

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION**

In Re:	)	
	)	
Avery Bradley Green,	)	Case No. B-17-11043 C-7G
	)	
Debtor.	)	
<hr/>	)	
Everett B. Saslow, Jr., Trustee,	)	
	)	
Plaintiff,	)	Adversary Proceeding No. A-19-_____ G
	)	
vs.	)	
	)	
CitiFinancial Servicing LLC; OneMain	)	
Financial Group, LLC; William E.	)	
McCormick; State of North Carolina;	)	
and Department of the Treasury,	)	
	)	
Defendants.	)	

**COMPLAINT FOR DECLARATORY JUDGMENT REGARDING CERTAIN LIENS IN  
ROBESON COUNTY, NORTH CAROLINA**

Everett B. Saslow, Jr., Trustee in the Chapter 7 bankruptcy case of Debtor Avery Bradley Green, by and through counsel, complaining of the Defendants CitiFinancial Servicing LLC; OneMain Financial Group, LLC; William E. McCormick; State of North Carolina; and Department of the Treasury, alleges and says as follows:

1. On September 15, 2017, the bankruptcy debtor Avery Bradley Green (“Debtor”) filed in the United States Bankruptcy Court for the Middle District of North Carolina, Greensboro Division (“Court”) a voluntary petition under Chapter 11 of the United States Bankruptcy Code. Everett B. Saslow, Jr. (“Trustee”) was appointed as the Chapter 11 Trustee on January 17, 2018. The Chapter 11 bankruptcy case converted to case under Chapter 7 on August 9, 2018, and Everett B. Saslow, Jr. is currently appointed and qualified as the Chapter 7 Trustee in the bankruptcy case.

2. The Trustee is a party-in-interest with standing to bring this Adversary Proceeding.

3. This proceeding is instituted pursuant to Bankruptcy Rule 7001, and the Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 151, 157, and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157.

4. The Trustee is informed and believes, and therefore upon such information and belief alleges, that the defendant CitiFinancial Servicing LLC is a limited liability company authorized to do business in the State of North Carolina at relevant times and sometimes doing business under the name "CitiFinancial."

5. The Trustee is informed and believes, and therefore upon such information and belief alleges, that the defendant OneMain Financial Group, LLC is a limited liability company authorized to do business in the State of North Carolina at relevant times and sometimes doing business under the name "OneMain Financial."

6. The Trustee is informed and believes, and therefore upon such information and belief alleges, that the defendant William E. McCormick is a citizen and resident of Robeson County, North Carolina and is neither an infant or incompetent.

7. The Trustee is informed and believes, and therefore upon such information and belief alleges, that the defendant State of North Carolina is a state.

8. The Trustee is informed and believes, and therefore upon such information and belief alleges, that the defendant Department of the Treasury is an agency of the United States.

9. Avery Bradley Green and Donald Reid Green inherited from their mother Zeddie B. Green all interests in real property and personal property owned by Zeddie B. Green as of the date of her death, with both Avery Bradley Green and Donald Reid Green entitled to an undivided 50% interest in all property owned by Zeddie B. Green as of the date of her death after payment of valid liens.

#### FIRST CLAIM FOR RELIEF

10. The Trustee incorporates herein by reference all preceding paragraphs of this Complaint.

11. Attached hereto as Exhibit 1 are copies of Magistrates Summons issued September 16, 2009 in case No. 9 CvM 02455 in the office of the Clerk of Superior Court of Robeson County, together with a copy of the Complaint For Money Owed as filed in that case, together with a copy of the Judgment in Action to Recover Money or Personal Property filed October 15, 2009 in the amount of \$5,000 (the "CitiFinancial Judgment"). The CitiFinancial Judgment is against an individual named Donald Green, 330 Lamb Road, Unit 1, Lumberton, NC 28358.

12. The Trustee is informed and believes that CitiFinancial did transfer or may have transferred the CitiFinancial Judgment to defendant OneMain Financial.

13. The Trustee is informed and believes and therefore upon such information and belief alleges, that the defendant Donald Green in case No. 09 CvM 02455 is an individual different than Donald Reid Green who inherited from his mother's Zeddie B. Green all interest in real property owned by Zeddie B. Green as of the date of her death. Donald Reid Green currently is living in Hardee County, Florida. The docketing of the CitiFinancial Judgment in case No. 09 CvM 02455 in Robeson County, North Carolina does not create a judgment lien

against the interest in real estate owned by Donald Reid Green in Robeson County, North Carolina.

14. The Trustee requests that the Court enter a Declaratory Judgment adjudging and decreeing that the CitiFinancial Judgment against Donald Green of 330 Lamb Road, Unit 1, Lumberton, NC 28358 does not create a lien against the interests in real estate in Robeson County owned by Donald Reid Green.

SECOND CLAIM FOR RELIEF

15. The Trustee incorporates herein by reference all preceding paragraphs of this Complaint.

16. Attached hereto as Exhibit 2 is a copy of Notice of Federal Tax Lien filed in the office of the Clerk of Superior Court of Robeson County as 18 M 00139 in the amount of \$14,771.06 (the “IRS Notice”). The IRS Notice is against an individual named Donald Green, 330 Lamb Road, Lot 1, Lumberton, NC 28358-9328.

17. The Trustee is informed and believes and therefore upon such information and belief alleges, that the Donald Green named in the IRS Notice is an individual different than Donald Reid Green who inherited from his mother Zeddie B. Green all interests in real property owned by Zeddie B. Green as of the date of her death. Donald Reid Green currently is living in Hardee County, Florida. The filing of the IRS Notice in Robeson County, North Carolina does not create a judgment lien against the interest in real estate owned by Donald Reid Green in Robeson County, North Carolina.

18. The Trustee requests that the Court enter a Declaratory Judgment adjudging and decreeing that the IRS Notice against Donald Green of 330 Lamb Road, Lot 1, Lumberton, NC 28358 does not create a lien against the interests in real estate in Robeson County, North Carolina owned by Donald Reid Green.

THIRD CLAIM FOR RELIEF

19. The Trustee incorporates herein by reference all preceding paragraphs of this complaint.

20. Attached hereto as Exhibit 3 are copies of a judgment from Robeson County in connection with case number 05 CRS 55737, being State of North Carolina vs. Donald Reid Green and including a bond forfeiture, with the judgment docketed on March 10, 2008 in the principal amount of \$9,021.37 (the “State of North Carolina Judgment”). The State of North Carolina Judgment is disputed by the Trustee based upon the grounds that it appears that the ten year statute of limitations for enforcing judgments (N. C. G. S. §1-47(1)) applies to bar enforcement of the State of North Carolina Judgment.

21. The Trustee requests that the Court enter a Declaratory Judgment providing that the State of North Carolina Judgment does not create a valid lien upon the ownership interests in real estate of Donald Reid Green.

**FOURTH CLAIM FOR RELIEF**

22. The Trustee incorporates herein by reference all preceding paragraphs of this Complaint.

23. Attached hereto as Exhibit 4 are copies from Robeson County of a judgment docketed on July 29, 2010 in the amount of \$3,938.25 principal arising from the small claims action brought by William E. McCormick vs. Zeddie Green and identified as case number 10 CVM 1546 (the "McCormick Judgment"). The McCormick Judgment was appealed by Zeddie Green from small claims court to the District Court Division and was assigned case number 10 CVD 2247 in Robeson County. The plaintiff William E. McCormick gave notice of voluntary dismissal without prejudice filed September 13, 2010 in case number 10 CVD 2247. The Trustee contends that the McCormick Judgment docketed on July 29, 2010 in the amount of \$3,938.25 is not a valid judgment lien because of the plaintiff's voluntary dismissal of the action during the pendency of the appeal.

24. The Trustee requests that the Court enter a Declaratory Judgment providing that the McCormick Judgment does not create a valid lien upon the ownership interest in real estate of Zeddie B. Green or her heirs.

WHEREFORE, Everett B. Saslow, Jr., Chapter 7 Trustee, requests that the Court grant the following relief:

1. That the Court order and adjudge that the CitiFinancial Judgment is not a judgment lien against ownership interests in real estate in Robeson County, North Carolina held by Donald Reid Green; and

2. That the Court order and adjudge that the IRS Notice is not a judgment lien against ownership interests in real estate in Robeson County, North Carolina held by Donald Reid Green; and

3. That the Court order and adjudge that the State of North Carolina Judgment is not an enforceable judgment lien against ownership interests in real estate in Robeson County, North Carolina held by Donald Reid Green; and

4. That the Court order and adjudge that the McCormick Judgment is not a judgment lien against ownership interest in real estate in Robeson County, North Carolina held by Donald Reid Green or held by Avery Bradley Green as heirs of Zeddie B. Green; and

5. That the Court tax the costs of this proceeding as may be appropriate; and

6. That the Court grant to the Trustee such other and further relief as the Court deems just and proper.

This the 15<sup>th</sup> day of March, 2019.

s/ Everett B. Saslow, Jr.

Everett B. Saslow, Jr.

N. C. State Bar No. 7301

s/Albert L. Saslow

Albert L. Saslow

N.C. State Bar No. 40051

OF COUNSEL:

HILL EVANS JORDAN & BEATTY  
A Professional Limited Liability Company  
Post Office Box 989  
Greensboro, North Carolina 27402  
Telephone: (336) 379-1390

Exhibit 1

STATE OF NORTH CAROLINA

Robeson County

124  
103852

File No. 9CVM02455

In The General Court Of Justice  
District Court Division-Small Claims

Plaintiff(s)

Citifinancial

VERSUS

Defendant(s)

Donald Green

TO:

Name And Address Of Defendant 1

Donald Green  
330 Lamb Road Unit 1  
Lumberton NC 28358

## MAGISTRATE SUMMONS

 ALIAS AND PLURIES SUMMONS

G.S. 7A-217, -232; 1A-1, Rule 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

TO:

Name And Address Of Defendant 2

## A Small Claim Action Has Been Commenced Against You!

You are notified to appear before the magistrate at the specified date, time and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial. Whether or not you file an answer, the plaintiff must prove the claim before the magistrate.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

Date of Trial <u>October 15, 2009</u>	Time Of Trial <u>9:00</u>	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Court <u>4A Lumberton Courthouse</u>
Name And Address Of Plaintiff Or Plaintiff's Attorney  <u>Citifinancial</u> <u>3217 Fayetteville Road</u> <u>Lumberton NC 28358</u>		Date Issued  <u>September 16, 2009</u>	Signature  <u>A. Hazel Lesane</u>
		<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

## RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

## DEFENDANT 1

Date Served 9-18-09	Time Served 3:10	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Name Of Defendant Donald Green
------------------------	---------------------	--	-----------------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (If Corporation, Give Title Of Person Copy Left With)

PY  
100 SEP 21 P 2:57  
ROBESON COUNTY G.S.C.  
*[Signature]*

- Other manner of service: (specify).

- Defendant WAS NOT served for the following reason:

## DEFENDANT 2

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
-------------	-------------	---	-------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (If Corporation, Give Title Of Person Copy Left With)

- Other manner of service: (specify).

- Defendant WAS NOT served for the following reason:

## FOR USE IN SUMMARY EJECTMENT CASES ONLY

- Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises.

Date Served	Name(s) Of The Defendant(s) Served By Posting
-------------	---

Address Of Premises Where Posted

Service Fee \$	Signature Of Deputy Sheriff Making Return <i>Roy D. Jackson</i>
-------------------	--

Date Received 9-18-09	Name Of Sheriff (Type Or Print) <i>Kenneth H. Seale</i>
--------------------------	--

Date Of Return 9-21-09	County Of Sheriff <i>Robeson</i>
---------------------------	-------------------------------------

9CVM02455

**COMPLAINT  
FOR MONEY OWED**

G.S. 7A-216, 7A-232

Name And Address Of Plaintiff

Citifinancial  
3217 Fayetteville Road  
Lumberton NC 28358

County

Robeson

Telephone No.

910-739-3364

**VERSUS**Name And Address Of Defendant 1  Individual  Corporation

Donald Green  
330 Lumb Road Unit 1  
Lumberton NC 28358

County

Robeson

Telephone No.

910-714-9008

Name And Address Of Defendant 2  Individual  Corporation

RECEIVED  
SEP 15 2009  
ROBESON COUNTY CLERK'S OFFICE

County

Robeson

Telephone No.

Name And Address Of Plaintiff's Attorney

Citifinancial  
3217 Fayetteville Road  
Lumberton NC 28358

**STATE OF NORTH CAROLINA**

Robeson

County

In The General Court Of Justice  
District Court Division-Small Claims.

1. The defendant is a resident of the county named above.
2. The defendant owes me the amount listed for the following reason:

Principal Amount Owed	\$	5000.00
Interest Owed (if any)	\$	0
Total Amount Owed	\$	5000.00

(check one below)

<input type="checkbox"/> On An Account (attach a copy of the account)	Date From Which Interest Due		Interest Rate
<input type="checkbox"/> For Goods Sold And Delivered Between	Beginning Date		Interest Rate
<input checked="" type="checkbox"/> For Money Lent	Date From Which Interest Due		Interest Rate
<input type="checkbox"/> On a Promissory Note (attach copy)	Date Of Note	Date From Which Interest Due	
<input type="checkbox"/> For a Worthless Check (attach a copy of the check)			Interest Rate

 For conversion (describe property) Other: (specify)

I demand to recover the total amount listed above, plus interest and reimbursement for court costs.

Date

9-14-09

Signature Of Plaintiff Or Attorney

Sian Surles

JMT -01

## STATE OF NORTH CAROLINA

In The General Court Of Justice  
District Court Division-Small Claims

ROBESON County

**JUDGMENT  
IN ACTION TO RECOVER  
MONEY OR  
PERSONAL PROPERTY**

G.S. 7A-210(2), 7A-224

Name And Address Of Plaintiff

CITIFINANCIAL

3217 FAYETTEVILLE ROAD

LUMBERTON NC 28358

County

Telephone No.

**VERSUS**

Name And Address Of Defendant 1

GREEN, DONALD

330 LAMB ROAD UNIT 1

LUMBERTON NC 28358

County

Telephone No.

ROBESON

910 474-9008

Name And Address Of Defendant 2

10-15-09  
ROBESON COUNTY C.G.C.  
10:30 AM

Telephone No.

Name And Address Of Plaintiff's Attorney

2001 06 ROBESON COUNTY C.G.C.  
R.M.

This action was tried before the undersigned on the cause stated in the complaint. The record shows that the defendant was given proper notice of the nature of the action and the date, time and location of trial.

**FINDINGS**

The Court finds:

- that the plaintiff has proved the case by the greater weight of the evidence.  
 that the plaintiff has failed to prove the case by the greater weight of the evidence.  
 that the defendant(s)  was  was not present at trial.  
 Other:

**ORDER**

It is ORDERED that:

- the plaintiff recover possession of the personal property described in the complaint.  
 the plaintiff recover possession of the personal property listed below:  
 the plaintiff recover nothing of the defendant(s) and that this action be dismissed with prejudice.  
 (for breach of contract cases) the plaintiff recover of the defendant(s) the following principal sum and interest accrued to the date of the judgment, plus interest at the legal rate on the principal sum from this day until judgment is satisfied.  
 (for tort cases) the plaintiff recover of the defendant(s) the following principal sum, plus interest at the legal rate from the date the action was instituted until judgment is satisfied.  
 Other: (specify)

Costs of this action are taxed to the  plaintiff.  defendant.

Principal Sum Of Judgment \$ 5,000.00

Name Of Judgment Debtor(s) From Whom Amount Recovered

Amount Of Interest Not Included In Principal \$

 Judgment Announced And Signed In Open Court

Attorney's Fees Or Other Damages (when appropriate) \$

Date 10-15-09 Signature Of Magistrate

TOTAL AMOUNT \$ 5,000.00

Name Of Party Announcing Appeal In Open Court

CERTIFICATION

(NOTE: To be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.)  
 I certify that this Judgment has been served on each party named by depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Date Signature Of Magistrate

Exhibit 2

9607

Department of the Treasury - Internal Revenue Service

## **Notice of Federal Tax Lien**

This notice was prepared and signed at BALTIMORE, MD, on this,

the 29th day of March, 2018.

Signature *Joan Flack*  
for OSCAR P FOURNIER

Title  
REVENUE OFFICER  
(787) 522-1872

23-15-1609

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien  
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Exhibit 3

clerk

## STATE OF NORTH CAROLINA

ROBESON County

File No.

05 CRS 55737

In The General Court Of Justice  
 District  Superior Court Division

## STATE VERSUS

## DISMISSAL

Defendant Name

Corcoran, Donald Reid

DUE NOV 21 A

8:33

## NOTICE OF REINSTATEMENT

(For Offenses Committed On Or Before Nov. 30, 2013)

Y.C.S.C.

G.S. 15A-302(e), -931, -932, -1009

File Number	Count No.(s)	Offense(s)
05 CRS 55737	I II	Felony Poss of Cocaine Poss Drug Paraphernalia

 DISMISSAL

NOTE: Recall all outstanding Orders For Arrest in a dismissed case.

The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:

- 1. No crime is charged.
- 2. There is insufficient evidence to warrant prosecution for the following reasons:
  
- 3. Defendant has agreed to plead guilty to the following charges:

in exchange for a dismissal of the following charges:

4. Other: (specify)  See additional information on reverse.

Age of case.

A jury has not been impaneled nor has evidence been introduced. (If a jury has been impaneled, or if evidence has been introduced, modify this sentence accordingly.)

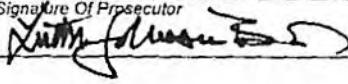
 DISMISSAL WITH LEAVE

The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:

- 1. The defendant failed to appear for a criminal proceeding at which the defendant's attendance was required and the prosecutor believes that the defendant cannot readily be found.
- 2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.
- 3. The defendant has entered into a deferred prosecution agreement with the prosecutor in accordance with the provisions of Article 82 of G.S. Chapter 15A.
- 4. The defendant has been found by a court to be incapable of proceeding pursuant to Article 56 of G.S. Chapter 15A.
- 5. Other: (specify)  See additional information on reverse.

NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court.

Also, in accordance with G.S. 15A-931(a1), unless the defendant or the defendant's attorney has been otherwise notified by the prosecutor, a written dismissal of the charges against the defendant must be served in the same manner prescribed for motions under G.S. 15A-951. If the record reflects that the defendant is in custody, the written dismissal shall also be served by the prosecutor on the chief officer of the custodial facility where the defendant is in custody.

Date	Name Of Prosecutor (Type Or Print)	Signature Of Prosecutor
11/17/14	Luther Johnson Britt III	

 REINSTATEMENT

This case, having previously been dismissed with leave as indicated above, is now reinstated for trial.

Date	Name Of Prosecutor (Type Or Print)	Signature Of Prosecutor
------	------------------------------------	-------------------------

NORTH CAROLINA  
ROBESON COUNTY

ROBESON COUNTY	
<b>RECEIVED</b>	
MAR 5 2008 IN THE GENERAL COURT ON JUSTICE	
DISTRICT COURT DIVISION	
AT 3:45 BY UWF	FILE NUMBER: 2005 CRS 55737 17027
CLERK OF SUPERIOR COURT	

STATE OF NORTH CAROLINA

v.

JUDGMENT PURSUANT TO  
NCGS 90-96

DONALD REID GREEN

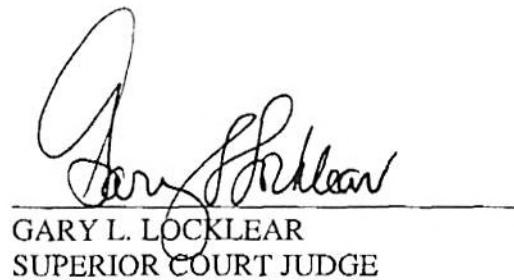
THIS CAUSE COMING ON TO BE HEARD and being heard before the undersigned Superior Court Judge presiding in the 16B Judicial District on the 03<sup>rd</sup> day of March 2008 , Criminal Session of the Robeson County Superior Court at Lumberton, North Carolina, and upon the defendant's plea of guilt to the charges of possession of less than one gram of cocaine in violation of NCGS 90-95 (a)(3) and possession of drug paraphernalia in violation of NCGS 90-113.22 (a); and upon the Court finding that the defendant has no prior record of previous conviction under the "North Carolina Controlled Substance Act", Article 5, Chapter 90, or the "Drug Paraphernalia Act", Article 5B, Chapter 90, for either offense, and with the consent of the defendant:

IT IS HEREBY ORDERED that further proceedings are hereby deferred and the Court without entering a judgment of guilt places the defendant on supervised probation for a period of twelve months under the terms and conditions as more fully set forth in the Supplemental Judgment attached hereto as contained on AOC Form 603 which shall include a thirty-day active split sentence. The defendant shall be given credit for time awaiting trial. The defendant shall also pay the SBI lab fee and the costs of this court.

IT IS FURTHER ORDERED that upon the defendant's fulfillment of the terms and conditions as set forth herein, the Court shall discharge said defendant and dismiss the proceedings against him at the conclusion of the period of supervised probation. Discharge and Dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or the purposes of disqualifications or disabilities imposed by law upon the conviction of a crime including

the additional penalties imposed for a second or subsequent conviction(s) under this article.

This the 5 day of March, 2008.



GARY L. LOCKLEAR  
SUPERIOR COURT JUDGE

Cly  
35.3y  
cut copies  
3-10-08  
w2

05CRS 55737

Donald Reid Green

## REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

**NOTE:** Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.

If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons. If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

11. The Court finds that the defendant is responsible for acts of domestic violence and  there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program.  there is not an approved abuser treatment program reasonably available.  it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because \_\_\_\_\_.

**NOTE:** See Page Two, Side Two, for Additional Conditions For Persons Convicted Of Domestic Violence.

## SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

12. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of \_\_\_\_\_ or until relicensed by the Division of Motor Vehicles, whichever is later.
13. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:  stolen goods  controlled substances  contraband  child pornography  WEAPONS
14. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
15. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
16. Successfully pass the General Education Development Test (G.E.D.) during the first \_\_\_\_\_ months of the period of probation.
17. Complete \_\_\_\_\_ hours of community or reparation service during the first \_\_\_\_\_ days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-262 4(b).  pursuant to the schedule set out under monetary conditions above.  within \_\_\_\_\_ days of this Judgment and before beginning service. TASC
18. Report for initial evaluation by \_\_\_\_\_ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with \_\_\_\_\_. "Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except \_\_\_\_\_.
20. Other: \_\_\_\_\_

21. Comply with the Special Conditions Of Probation - Intermediate Punishments - Contempt which are set forth on AOC-CR-603, Page Two.
- A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

## ORDER OF COMMITMENT/APPEAL ENTRIES

1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
2. The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

## SIGNATURE OF JUDGE

Date Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

3/5/2008

GARY L. LOCKLEAR

## CERTIFICATION

I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

1. Appellate Entries (AOC-CR-350)
2. Judgment Suspending Sentence, Page Two (Special Conditions Of Probation) (AOC-CR-603, Page Two)
3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)
4. Extraordinary Mitigation Findings (AOC-CR-606)
5. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611)
6. Judicial Findings As To Required DNA Sample (AOC-CR-319)
7. Judicial Findings And Order As To Satellite-Based Monitoring For Sex Offenders - Lifetime Monitoring/Judicial Findings And Order As To Satellite-Based Monitoring For Sex Offenders - Court-Determined Monitoring Period (AOC-CR-615)

Date Of Certification

Signature

SEAL

Date Certified Copies Delivered To Sheriff

 Deputy CSC     Assistant CSC     Clerk Of Superior Court

## STATE OF NORTH CAROLINA

**ROBESON** County

File No.

05CRS055737

51

In The General Court Of Justice  
Superior Court Division

## STATE VERSUS

## **CRIMINAL BILL OF COST**

Name Of Defendant

SFF 22500       CPD LPD  
CBDS \$240.50

235 \_\_\_\_ Other

2-5

**Costs Assessed In Each Of The Following Cases**

PROCESS FEE DUE COUNTY		# SERVED	AMOUNT	
Co.		\$	22500	
Co.		\$	295	
Co.		\$	295	
JAIL FEES DUE COUNTY		# DAYS	AMOUNT	
Co.		\$	22600	
Co.		\$	296	
JAIL FEES DUE COUNTY (Post-Trial)		# DAYS	AMOUNT	
Co.		\$	22620	
Co.		\$	297	
PROCESS FEE DUE CITY		# SERVED	AMOUNT	
LPO		11	\$ 55.00	23500
			\$	2350
			\$	2350
JAIL FEES DUE CITY		# DAYS	AMOUNT	
			\$	2360
			\$	236
JAIL FEES DUE CITY (Post-Trial)		# DAYS	AMOUNT	
			\$	2362
COST DUE STATE		DNA, Bodily Fluid, Cont. Sub. Analysis EHA Fee GPS Fee Limited Driving Privilege Fee 20-Day Failure Fee Pre-Trial Release to Co.	\$ 300.00 \$ \$ \$ \$ \$	24320 24325 24330 24335 <input type="checkbox"/> District 21211 <input type="checkbox"/> Superior 21111 295
		RECEIVED RECEIVED MA 5 2008 3:45 PM 2 M-2	\$ 595.50	<b>TOTAL COSTS DUE</b>
FINES DUE THE COUNTY			\$	22700
COMMUNITY SERVICE FEE			\$	<input type="checkbox"/> DWI 24201 <input type="checkbox"/> Exp CSF 24202
REIMBURSE ATTORNEY FEES			\$	24610
ATTORNEY APPT. FEES		<input type="checkbox"/> Fee Assessed	\$	(\$45.00 - 24612 / \$5.00 - 24615)
Other Misc. Costs:				
Rec. of Blood Test:			\$	24630
Rec. of Expert Witness Fee:			\$	2464
Rec. of Interpreter:			\$	<input type="checkbox"/> District 24652 <input type="checkbox"/> Superior 24651
Rec. of Bond Forfeiture Postage Fee:			\$	24660
Other:			\$	
Other:			\$	
RESTITUTION		<input type="checkbox"/> SEE ATTACHED WORKSHEET	\$	<b>TOTAL RESTITUTION DUE</b>
<input type="checkbox"/> Restitution Jointly & Severally due with Co-Defendant's listed on Reverse				
PROBATION SUPERVISION		<input type="checkbox"/> SURRENDER LICENSE <input checked="" type="checkbox"/> ASSESSMENT		<b>TOTAL DUE</b>
<input checked="" type="checkbox"/> B - Supervised <input type="checkbox"/> U - Unsupervised	<input checked="" type="checkbox"/> N - Not Collecting Fee			\$ <b>595.50</b>
Date 3/5/2008	Name Of Clerk WANDA LAMBERT			By Date: 3/5/2009
	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court			<input checked="" type="checkbox"/> FULL PAYMENT <input type="checkbox"/> PARTIAL PAYMENT

**RESTITUTION** Full Payment 26110 Partial Payment 26120**REMARKS**

Name	Address	City	St.	Zip	SSN	Amount

## STATE OF NORTH CAROLINA

Robeson County

File No.

2005 CR 55737

In The General Court Of Justice  
□ District  Superior Court Division

## STATE VERSUS

Name Of Defendant

Donald Green

DOB

4-8-66

Age

31

Highest Level Of Education Completed

2 years of college

## TRANSCRIPT OF PLEA

G.S. 15A-1022, 15A-1022.1

The undersigned judge, having addressed the defendant personally in open court, finds that the defendant (1) was duly sworn or affirmed, (2) entered a plea of  guilty  guilty pursuant to Alford decision  no contest, and (3) offered the following answers to the questions set out below:

- | Questions  | Answers  |
|--|--|
| 1. Are you able to hear and understand me?   | (1) <u>yes</u>   |
| 2. Do you understand that you have the right to remain silent and that any statement you make may be used against you?   | (2) <u>yes</u>   |
| 3. At what grade level can you read and write?   | (3) <u>college</u>   |
| 4. (a). Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other intoxicants?  | (4a) <u>No</u>   |
| (b). When was the last time you used or consumed any such substance?   | (4b) <u>Nov 14, 2007</u>   |
| 5. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge?   | (5) <u>yes</u>   |
| 6. (a). Have you and your lawyer discussed the possible defenses, if any, to the charges?  | (6a) <u>yes</u>  |
| (b). Are you satisfied with your lawyer's legal services?  | (6b) <u>yes</u>  |
| 7. (a). Do you understand that you have the right to plead not guilty and be tried by a jury?  | (7a) <u>yes</u>  |
| (b). Do you understand that at such trial you have the right to confront and to cross examine witnesses against you?   | (7b) <u>yes</u>  |
| (c). Do you understand that at a jury trial you have the right to have a jury determine the existence of any aggravating factors that may apply to your case ( <i>and, if applicable, additional sentencing points not related to prior convictions</i> ) beyond a reasonable doubt?   | (7c) <u>yes</u>  |
| (d). Do you understand that by your plea(s) you give up these and other valuable constitutional rights to a jury trial ( <i>and, if applicable, rights related to sentencing</i> )?  | (7d) <u>yes</u>  |
| 8. Do you understand that, if you are not a citizen of the United States of America, your plea(s) of guilty or no contest may result in your deportation from this country, your exclusion from admission to this country, or the denial of your naturalization under federal law?   | (8) <u>yes</u>   |
| <input checked="" type="checkbox"/> 9. Do you understand that upon conviction of a felony you may forfeit any State licensing privileges you have in the event that you refuse probation, or that your probation is revoked, and have you discussed this issue with your lawyer?   | (9) <u>yes</u>   |
| <input type="checkbox"/> 10. ( <i>Victims Rights Act cases only</i> ) Do you understand that upon your conviction of _____ you may be ordered to pay restitution to any persons directly and proximately injured as a result of your commission of that offense, and that a civil judgment in favor of each such person may be docketed against you and will be a lien against any real estate you own?  | (10) <u>yes N/A</u>  |
| 11. Do you understand that you are pleading <input checked="" type="checkbox"/> guilty <input type="checkbox"/> no contest to the charges shown on Page Two of the transcript? ( <i>Describe charges, total maximum punishments, and applicable mandatory minimums for those charges.</i> )  | (11) <u>yes</u>  |
| 12. Do you now personally plead <input checked="" type="checkbox"/> guilty <input type="checkbox"/> no contest to the charges I just described?  | (12) <u>yes</u>  |
| 13. <input checked="" type="checkbox"/> (a) Are you in fact guilty?<br><input type="checkbox"/> (b) ( <i>no contest plea</i> ) Do you understand that, upon your plea of no contest, you will be treated as being guilty whether or not you admit that you are in fact guilty?<br><input type="checkbox"/> (c) ( <i>Alford guilty plea</i> )<br>(1) Do you now consider it to be in your best interest to plead guilty to the charge(s) I just described?<br>(2) Do you understand that, upon your "Alford guilty plea," you will be treated as being guilty whether or not you admit that you are in fact guilty? | (13a) <u>yes</u><br>(13b) <u>N/A</u><br>(13c1) <u>N/A</u><br>(13c2) <u>N/A</u> |
| 14. Do you understand that the courts have approved the practice of plea arrangements?   | (14) <u>yes</u>  |
| 15. Have you agreed to plead <input checked="" type="checkbox"/> guilty <input type="checkbox"/> no contest as part of a plea arrangement? ( <i>If so, review terms of Plea Arrangement as listed on Page Two with the defendant.</i> )  | (15) <u>yes</u>  |

(Over)

16. Do you understand that you also are admitting the existence of the following  aggravating factors  sentencing points not related to prior convictions, and agreeing that there is evidence to support the following factors and/or points beyond a reasonable doubt, and agreeing that the court may accept your admission to these factors and/or points?

Answers

(16) N/A

17. Do you  understand that you are waiving any notice requirement that the State may have with regard to these aggravating factors and/or sentencing points?  agree that the State has provided you with appropriate notice about the aggravating factors and/or sentencing points in your case?

(17) N/A

18. Do you understand that you also have the right during a sentencing hearing to prove to the judge the existence of any mitigating factors that may apply to your case?

(18) yes

19. Is the plea arrangement as set forth within this transcript and as I have just described it to you correct as being your full plea arrangement?

(19) yes

20. (*Other than the plea arrangement between you and the prosecutor*) has anyone promised you anything or threatened you in any way to cause you to enter this plea against your wishes?

(20) No

21. Do you enter this plea of your own free will, fully understanding what you are doing?

(21) yes

22. Do you agree that there are facts to support your plea  and admission to aggravating factors  and sentencing points not related to prior convictions, and consent to a summarization of the evidence related to this factual basis?

(22) yes

23. Do you have any questions about what has just been said to you or about anything else connected to your case?

(23) No**ACKNOWLEDGEMENT BY DEFENDANT**

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. No one has told me to give false answers in order to have the Court accept my plea in this case. The terms and conditions of the plea as stated within this transcript, if any, are accurate.

**SWORN AND SUBSCRIBED TO BEFORE ME**

Date

3-5-08

Signature

Wal Lambt

Signature Of Defendant

Donald Green

Date  
3/5/08 Deputy CSC Assistant CSC Clerk Of Superior Court

Name Of Defendant (Type Or Print)

Donald Green

**CERTIFICATION BY LAWYER FOR DEFENDANT**

I hereby certify that the terms and conditions stated within this transcript, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charge(s) to which the defendant is pleading, and the aggravating and mitigating factors and prior record points for sentencing, if any.

Date  
3-5-08 Name Of Lawyer For Defendant (Type Or Print)

Signature Of Lawyer For Defendant

D.F. Branch, Jr.

**CERTIFICATION BY PROSECUTOR**

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated within this transcript, if any, are the terms and conditions agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charge(s) in this case.

Date  
3-5-08 Name Of Prosecutor (Type Or Print)

Signature Of Prosecutor

L. Johnson Britt, III

L. Johnson Britt, III

**PLEA ADJUDICATION**

Upon consideration of the record proper, evidence or factual presentation offered, answers of defendant, and statements of the lawyer for the defendant and the prosecutor, the undersigned finds that:

1. There is a factual basis for the entry of the plea (*and for the admission as to aggravating factors and/or sentencing points*);
  2. The defendant is satisfied with his/her lawyer's legal services;
  3. The defendant is competent to stand trial;
  4.  The State has provided the defendant with appropriate notice as to the aggravating factors and/or points.  The defendant has waived notice as to the aggravating factors and/or points; and
  5. The plea (*and admission*) is the informed choice of the defendant and is made freely, voluntarily and understandingly.
- The defendant's plea (*and admission*) is hereby accepted by the Court and is ordered recorded.

Date  
3-5-08 Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

Gary L. Wickes

STATE VERSUS	File No.
--------------	----------

Name Of Defendant

DONALD REID GREEN

05 CRS 55737

## PLEA ARRANGEMENT

The prosecutor, your lawyer, and you have informed the Court that the following contains all the terms and conditions of your plea:

The court shall enter a judgment in accordance with the provisions of NCGS 90-96 wherein the court will defer proceedings in this matter and without entering a judgment of guilt, place the defendant on supervised probation for 12 months under the following terms:

- 1) The defendant shall serve a 30 day active split sentence & be given credit for any time served awaiting trial
- 2) The defendant shall pay the SBF lab fee
- 3) The defendant shall pay the court costs.

Prosecutor's Initials: \_\_\_\_\_

Defense Counsel's Initials: D.R.G.

Defendant's Initials: \_\_\_\_\_

## PLEAS

Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL	‡Pun. CL	Maximum Punishment
G	5CRS 55737 one		Possession of cocaine	9.105	90-95(4) (3)	F	I	I	15 months
G	5CRS 55737 two		Possession of drug paraphernalia	9.105	90-113-22	M	I	-	120 days

\*G = Guilty  
NC = No Contest

## TOTAL MAXIMUM PUNISHMENT

15 months and 120 days

## MANDATORY MINIMUM FINES &amp; SENTENCES (if any)

✓ NOTE TO CLERK: If this column is checked this is an added offense or reduced charge.

‡ NOTE: Enter punishment class if different from underlying felony class (punishment class represents a status or enhancement).

				PLEAS (continued from Page Two, Side One)							
✓	Plea*	File Number	Count No.(s)	Offense(s)		Date Of Offense	G.S. No.	F/M	C/L	tPun. CL	Maximum Punishment
<b>SUPERIOR COURT DISMISSEALS PURSUANT TO PLEA ARRANGEMENT</b>											
File No.		Count No.(s)		Offense(s)							
<b>DISTRICT COURT DISMISSEALS PURSUANT TO PLEA ARRANGEMENT</b>											
File No.		Count No.(s)		Offense(s)							

**CERTIFICATION BY PROSECUTOR**

The undersigned prosecutor enters a dismissal to the above charges pursuant to a plea arrangement shown on this Transcript Of Plea.

Date	Name Of Prosecutor (Type Or Print)	Signature Of Prosecutor
------	------------------------------------	-------------------------

## STATE OF NORTH CAROLINA

Robeson County

## STATE VERSUS

## Name And Address Of Defendant

DONALD REID GREEN  
1071 W TOBERMORY RD  
PARKTON

Social Security No NC 2837

238196083 SID No. NC0332935A

Race B Sex M DOB 04/08/1966

ROBESON COUNTY File No.  
**RECEIVED**

05CRS 055737

In The General Court Of Justice  
 District  Superior Court Division

MAR. 5 2008

AT 3:K O'CLOCK  
BY CLERK OF SUPERIOR COURT

## WORKSHEET

PRIOR RECORD LEVEL FOR  
FELONY SENTENCING AND  
PRIOR CONVICTION LEVEL FOR  
MISDEMEANOR SENTENCING  
(STRUCTURED SENTENCING)

FBI # 516520DA5 G.S. 15A-1340.14, 15A-1340.21

**NOTE:** This Worksheet is provided to assist the attorney for the state in calculating and presenting the defendant's prior record level or prior conviction level. Record the defendant's prior record on the reverse side of this form or attach a copy of the defendant's prior record pursuant to G.S. 15A-1340.14(f). If sentencing for a felony, count the number of prior convictions in each offense class and enter those totals in the chart in section I below. For multiple prior convictions at one session of court, see G.S. 15A-1340.14(d). The only Class 1 misdemeanor offenses under Chapter 20 that are assigned points for determining prior record level for felony sentencing are misdemeanor death by vehicle [G.S. 20-141.4(a2)] and, for sentencing for felony offenses committed on or after December 1, 1997, impaired driving [G.S. 20-138.1] and commercial impaired driving [G.S. 20-138.2]. First Degree Rape and First Degree Sexual offense convictions prior to October 1, 1994, are Class B1 convictions.

## I. SCORING PRIOR RECORD/FELONY SENTENCING

NUMBER	TYPE	FACTORS	POINTS
1	Prior Felony Class A Conviction	X10	10
	Prior Felony Class B1 Conviction	X 9	
	Prior Felony Class B2 or C or D Conviction	X 6	
	Prior Felony Class E or F or G Conviction	X 4	
	Prior Felony Class H or I Conviction	X 2	
1	Prior Class A1 or 1 Misdemeanor Conviction (see note above)	X 1	1
<b>SUBTOTAL</b>			11

## Defendant's Current Charge(s):

If all the elements of the present offense are included in any prior offense whether or not the prior offenses were used in determining prior record level.	+ 1	
If the offense was committed:		
(a) while on supervised or unsupervised probation, parole, or post-release supervision; or (b) while serving a sentence of imprisonment; or (c) while on escape.	+ 1	
<b>TOTAL</b>		11

## II. CLASSIFYING PRIOR RECORD/CONVICTION LEVEL

## MISDEMEANOR

## FELONY

**NOTE:** If sentencing for a misdemeanor, total the number of prior conviction(s) listed on the reverse and select the corresponding prior conviction level.

No. Of Prior Convictions	Level
0	I
1-4	II
5+	III

PRIOR CONVICTION LEVEL → II

**NOTE:** If sentencing for a felony, locate the prior record level which corresponds to the total points determined in section I above.

Points	Level
0	I
1 - 4	II
5 - 8	III
9 - 14	IV
15 - 18	V
19+	VI

PRIOR RECORD LEVEL → IV

- The Court has determined the number of prior convictions to be \_\_\_\_\_ and the level to be as shown above.  
 In making this determination, the Court has relied upon the state's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.

- The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein.  
 In making this determination, the Court has relied upon the state's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.

Date 3-5-08

Name Of Presiding Judge (Type Or Print)

Gary L. Collier

Signature Of Presiding Judge

Gary L. Collier

### III. STIPULATION

The prosecutor and defense counsel, or the defendant, if not represented by counsel, stipulate to the accuracy of the information set out in Sections I. and IV. of this form, including the classification and points assigned to any out-of-state convictions, and agree with the defendant's prior record level or prior conviction level as set out in Section II.

Date 3-5-08

Signature Of Prosecutor  
*[Signature]*

Date 3-5-08

*D. H. S.*

**IV. PRIOR CONVICTION**

**NOTE:** Federal law precludes making computer printout of DCI-CCH (rap sheet) part of permanent public court record.

Source Code: 1 - DCI                  3 - AOC/Local                  5 - ID Bureau  
                  2 - NCIC                  4 - AOC/Statewide                  6 - Other

Date Prepared: \_\_\_\_\_  
Prepared By: \_\_\_\_\_

STATE OF NORTH CAROLINA Anderson County		File No. <i>OSCA 055737</i>	
In The General Court Of Justice <input type="checkbox"/> District <input checked="" type="checkbox"/> Superior Court Division			
STATE VERSUS		CONDITIONS OF RELEASE AND RELEASE ORDER	
Name And Address Of Defendant <i>Donald Reid Green</i>		Date 2007 NOV 16 P 4:34	
Amount Of Bond \$ 10,000		C.S.C.	
Offenses And Additional File Numbers <i>SKA OFA / Fel Rcs/can Poss org Parc</i>			
Location Of Court <i>Anderson</i>		<input type="checkbox"/> Distinct <input checked="" type="checkbox"/> Superior	Date <i>TBA</i>
		Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
<p>To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. If you fail to appear, you will be arrested and you may be charged with the crime of willful failure to appear. The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel, family and friends.</p> <p><input checked="" type="checkbox"/> Your release is authorized upon execution of your:</p> <p><input type="checkbox"/> WRITTEN PROMISE to appear      <input type="checkbox"/> UNSECURED BOND in the amount shown above  <input type="checkbox"/> CUSTODY RELEASE      <input checked="" type="checkbox"/> SECURED BOND in the amount shown above</p> <p>You will be arrested if you violate the following restrictions:</p> <p><input type="checkbox"/> Your release is not authorized.  <input type="checkbox"/> The defendant was arrested or surrendered after failing to appear as required under a prior release order.  <input type="checkbox"/> This was the defendant's second or subsequent failure to appear in this case.  <input type="checkbox"/> Your release is not authorized until you complete the period of detention required under G.S. 15A-534.2 ("Detention of impaired drivers.") or G.S. 15A-534.3 ("Detention for communicable diseases.") as shown on the attached AOC-CR-270.</p>			
Additional Information			
Date <i>11-15-07</i>	Signature Of Judicial Official <i>[Signature]</i>		
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> District Court Judge	<input type="checkbox"/> Superior Court Judge
ORDER OF COMMITMENT			
<p>To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released, you are ORDERED to:</p> <p><input type="checkbox"/> produce him/her in Court as provided above. <input checked="" type="checkbox"/> hold him/her for the following purpose:</p> <p><i>[Signature]</i></p> <p><input type="checkbox"/> [Check in all domestic violence cases covered by G.S. 15A-534.1(b)] produce him/her at the first session of District or Superior Court held in this county after the entry of this Order or, if no session is held before [enter date and time 48 hours after time of arrest].  <input type="checkbox"/> AM <input type="checkbox"/> PM produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.</p>			
Name Of Detention Facility <i>NCT</i>	Date <i>11-15-07</i>	Signature Of Judicial Official <i>[Signature]</i>	
WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE			
<p>I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand and agree that this promise is effective until the entry of judgment in the District Court from which no appeal is taken or until the entry of judgment in Superior Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.</p>			
Date	Signature Of Defendant	Signature Of Person Agreeing To Supervise Defendant	
Name Of Person Agreeing To Supervise Defendant (Type or Print)		Address Of Person Agreeing To Supervise Defendant	
DEFENDANT RELEASED ON BAIL			
Date	Time	Signature Of Jailer <input type="checkbox"/> AM <input type="checkbox"/> PM	
AOC-CR-200, Rev. 10/04 © 2004 Administrative Office of the Courts			

ORIGINAL

## **CONDITIONS OF RELEASE MODIFICATIONS**

The Conditions of Release on the reverse are modified as follows:

Modification	Date	Signature Of Judicial Official

## **SUPPLEMENTAL ORDERS FOR COMMITMENT**

The defendant is next Ordered produced in Court as follows:

Date	Time	Place	Purpose	Signature Of Judicial Official

**DEFENDANT RECEIVED BY DETENTION FACILITY**

**DEFENDANT RELEASED FOR COURT APPEARANCE**

**NOTE TO CUSTODIAN:** This form shall accompany the defendant to court for all appearances.

05-CRS-055737  
 FILED  
 CHECK DIGIT NUMBER: S74439Y  
 STATE ID. NUMBER: NC0332935A

## ORDER FOR ARREST

STATE OF NORTH CAROLINA  
 VS.

GREEN, DONALD, REID  
 1071 W TOBERMORY RD

PARKTON NC 28371

RACE: B SEX: M DOB: 04/08/66

DR LIC NO:

SOC SEC NO: 238-19-6083

LID NO: DGBM6083R-770

COMPLAINANT:

RICHARDSON, K CPD  
 1305 GODWIN AVE  
 LUMBERTON NC 28358

**STATE OF NORTH CAROLINA**  
 ROBESON COUNTY

CTS CHARGE DESCRIPTION  
 01 F FELONY POSSESSION OF COCAINE  
 01 M POSSESS DRUG PARAPHERNALIA  
 2011 NOV 16 PM 4:34

REVIEWED BY C.S.C.

BY SHT

TO ANY OFFICER WITH AUTHORITY AND JURISDICTION TO SERVE AN ORDER FOR ARREST:

THE DEFENDANT HAS BEEN ARRESTED AND RELEASED FROM CUSTODY AND HAS FAILED TO APPEAR ON 10/01/07 AS REQUIRED BY THE RELEASE ORDER.

YOU ARE DIRECTED TO ARREST THE DEFENDANT AND BRING HIM BEFORE THE COURT AT THE PLACE, DATE AND TIME INDICATED BELOW OR UPON THE FIRST DAY OF COURT FOLLOWING HIS ARREST. IF COURT IS NOT IN SESSION, THEN YOU ARE TO TAKE HIM BEFORE A JUDICIAL OFFICIAL FOR THE PURPOSE OF DETERMINING CONDITIONS OF RELEASE AND COMMITMENT IF HE IS UNABLE TO COMPLY.

BOND IS SET AT \$10,000 SECURED BOND.

Location Of Court	Court Date	Court Time	<input type="checkbox"/> AM	Date Of Issue
			<input type="checkbox"/> PM	10/05/07
Signature				
<u>RENAE O. HUNT</u> <u>DW</u>				
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> District Court Judge <input type="checkbox"/> Superior Court Judge				

If an Order/Warrant for Arrest is not executed or served within one hundred and eighty (180) days, or if a Criminal Summons is not served within ninety (90) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of execution or service noted thereon. The officer must make all steps taken by the department in attempting to execute or serve the Order/Warrant/Criminal Summons and any information obtained about the whereabouts of the defendant.			District Attorney	<input type="checkbox"/> Waived <input type="checkbox"/> Not Indigent	Attorney For Defendant	<input type="checkbox"/> Appointed <input type="checkbox"/> Retained	<b>PRIOR CONVICTIONS:</b> No. I level: 0 <input type="checkbox"/> (0) <input type="checkbox"/> II (1-4) <input type="checkbox"/> III (5+)		
			PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> no contest <input type="checkbox"/> guilty <input type="checkbox"/> no contest <input type="checkbox"/> not guilty	VERDICT: <input type="checkbox"/> guilty <input type="checkbox"/> guilty <input type="checkbox"/> not guilty			M. CL. <input type="checkbox"/> AI <input type="checkbox"/> I <input type="checkbox"/> 2 <input type="checkbox"/> 3	M. CL. <input type="checkbox"/> AI <input type="checkbox"/> I <input type="checkbox"/> 2 <input type="checkbox"/> 3	
			JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict it is ORDERED that the defendant: <input type="checkbox"/> pay costs and a fine of _____ <input type="checkbox"/> be imprisoned for a term of _____ days in the custody of <input type="checkbox"/> the sheriff, <input type="checkbox"/> DOC, * Pretrial credit, _____ days served. <input type="checkbox"/> Work release <input type="checkbox"/> is recommended, <input type="checkbox"/> is not recommended, <input type="checkbox"/> is ordered. (use form AOC-CR-502) <input type="checkbox"/> The Court finds that a <input type="checkbox"/> longer <input type="checkbox"/> shorter period of probation, than that which is specified in G.S. 15A-1343.2(d), is necessary. <input type="checkbox"/> Execution of the sentence is suspended and the defendant is placed on unsupervised probation* for _____ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction, (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269, (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution, (4) satisfy child support and family obligations, as required by the Court, (5) pay to the Clerk the costs of court and any additional sums shown below.						
			Fine	Restitution*	Attorney's Fee	Community Service Fee	Other		
			*Name(s), address(es), amount(s) & social security number(s) of aggrieved party(ies) to receive restitution:						
REDELIVERY/REISSUANCE			Date	Signature	<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Assist. CSC <input type="checkbox"/> CSC				
RETURN FOLLOWING REDELIVERY/REISSUANCE			I certify that this Order/Warrant/Criminal Summons was received and executed or served as follows:						
Date Received	Date Executed Or Served	Date Returned	<input type="checkbox"/> By personally serving this Criminal Summons on the defendant. <input type="checkbox"/> By arresting the defendant and bringing the defendant before: <b>Name Of Judicial Official</b>  <input type="checkbox"/> This Order/Warrant/Criminal Summons WAS NOT executed or served for the following reason:  <b>Signature Of Officer Making Return</b>  <b>Department Or Agency Of Officer</b>						
APPEAL ENTRIES			<input type="checkbox"/> The defendant, in open court, gives notice of appeal to the <input type="checkbox"/> District <input type="checkbox"/> Superior Court <input type="checkbox"/> The current pretrial release order is modified as follows:						
Date	Signature Of District Court Judge Or Magistrate								
WAIVER OF PROBABLE CAUSE HEARING			The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.						
Date Waived	Signature Of Defendant		<input type="checkbox"/> I certify that this Judgment is a true and complete copy of the original which is on file in this case.  <b>CERTIFICATION</b>  Date <input type="checkbox"/> Date Delivered To Sheriff <input type="checkbox"/> Signature						
			<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Assist. CSC <input type="checkbox"/> CSC						

**STATE OF NORTH CAROLINA**

ROBISON \_\_\_\_\_ County

File No.\*

BOND A

05CR606573\*

PG 1 OF 1

In The General Court Of Justice  
□ District  Superior Court Division

Name And Address Of Record Of Defendant

DONALD REID GREEN  
1071 W TOBERMORY RD

PARKTON NC 28371 0000

Amount Of Bond

\$ 5,000.00

Date Of Bond

UNSC 09/02/2005

Name And Address Of Record Of Surety 1

**BOND FORFEITURE NOTICE**

G.B. 15A-544.3 -544.4

Name And Address Of Record Of Bail Agent

Power Of Appointment No. Of Bail Agent

License No. Of Bail Agent

Name And Address Of Record Of Surety 2

Name And Address Of School Board Attorney

GRADY HUNT  
PO-BOX 999

PEMBROKE NC 28372

**FORFEITURE**

The defendant and surety named above bound themselves for the appearance of the defendant by execution of the appearance bond noted above. The defendant was called in open court and failed to appear on the date of forfeiture as shown below. It is ORDERED that the appearance bond be forfeited.

Failure To Appear Date / Date Issued	Final Judgment Date	Name Of Judge (Type Or Print)	Signature Of Judge
10/01/2007	10/09/2007	03/09/2008 HON. ROBERT F FLOYD JR	HON. ROBERT F FLOYD JR

**NOTICE TO DEFENDANT AND EACH SURETY NAMED ABOVE**

The defendant named above has failed to appear as required before the court in the case identified above. A forfeiture for the amount of the bail bond shown above was entered in favor of the State against the defendant and each surety named above on the date of forfeiture shown above. This forfeiture will be set aside if, on or before the final judgment date shown above, satisfactory evidence is presented to the court that one of the following events has occurred: (i) the defendant's failure to appear has been excused by the court in which the defendant was required to appear and any order for arrest that was issued for that failure to appear is recalled, (ii) all charges for which the defendant was bonded to appear have been finally disposed of by the court other than by the court's taking a voluntary dismissal with leave, (iii) the defendant has been surrendered by a surety or bail agent to a sheriff of this state as provided by law, (iv) the defendant has been served with an Order for Arrest for the Failure to Appear on the criminal charge in the case in question, (v) the defendant died before or within the period between the forfeiture and the final judgment as demonstrated by the presentation of a death certificate, or (vi) the defendant was incarcerated in a unit of the Department of Correction and is serving a sentence or in a unit of the Federal Bureau of Prisons located within the borders of the state at the time of the failure to appear. The forfeiture will not be set aside for any other reason. If this forfeiture is not set aside on or before the final judgment date shown above, and a no motion to set aside is pending on that date, the forfeiture will become a final judgment on that date. The final judgment will be enforceable by execution against the defendant and any accommodation bondsmen and professional bondsmen on the part. The final judgment will also be recorded to the Department of Insurance. Further, no surety will be allowed to execute any bid bond in the above county until the final judgment is satisfied in full.

**CERTIFICATE OF SERVICE**

I certify that on this date I gave notice of the above Forfeiture to the defendant and each surety named above by mailing a copy of this Notice by first class mail, to each person at the address of record shown above.

Date Notice Given:	Signature	<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
10/11/2007	WANDA H LAMBERT	<input type="checkbox"/> Clerk Of Register Court	

Accomplished File No. \*



STATE OF NORTH CAROLINA  
COUNTY OF ROBESON

**FILED** GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
2001 JUN - FILE #05 CRS 55737

ROBESON COUNTY, N.C.C.

STATE OF NORTH CAROLINA

BY

v.

Donald Green

STATE'S DISCOVERY RESPONSE,  
MOTION FOR RECIPROCAL  
DISCOVERY AND NOTICE OF  
INTENT PURSUANT TO NCGS 15A-  
975-15A-976, NCGS 90-95(g) AND NCGS  
90-95(g1)

Pursuant to the defendant's request for voluntary discovery, the State pursuant to NCGS 15A-901 et seq. and Senate Bill 52, voluntarily provides the following information known and available to the State. The discovery consists of the item(s) indicated below. The date of delivery or review is as indicated:

✓

Felony Report, date of delivery: 6/5/07.

"Originals" Departmental File, date of review: \_\_\_\_\_.

✓

Pursuant to N.C.G.S. 15A-903(a)(1), attached is the defendant's written or recorded statement, and the substance of the defendant's oral statement known to the State and in the possession, control or custody of the State for this case.

Pursuant to N.C.G.S. 15A-903(a)(1), attached is the co-defendant's statement and/ or the substance of the co-defendant's oral statements known to the State and in the possession, control or custody of the State for this case.

Pursuant to N.C.G.S. 15A-903(a)(1), attached is the investigating officer's notes known to the State and in the possession, control or custody of the State for this case.

✓

Pursuant to N.C.G.S. 15A-903(a)(1), attached are copies of the State's witness statements known to the State and in the possession, control or custody of the State for this case.

✓

Pursuant to N.C.G.S. 15A-903(a)(1) and (2), attached are copies of the reports of examination and tests made in connection with the case within the possession, custody, control of the State and that the State intends to offer as evidence in the

case. The State further gives notice of its intent to call as an expert witness  
Magalan, the attached report includes:

a copy of the expert's curriculum vitac  
 expert's opinion and the underlying basis for the opinion.

Attached is the defendant's prior criminal record that includes a National and State Criminal Investigative Inquiry and Structured Sentencing Worksheet.

Attached is a list of the tangible items maintained in the possession, custody and control of the investigating Law Enforcement Agency that may be material to the preparation of the defendant's case. These items are intended for use by the State as evidence at the trial, or were obtained from or belong to the defendant. Please contact the Assistant District Attorney listed below to schedule an appointment to inspect the item listed:

Pursuant to N.C.G.S. 90-95(g) and N.C.G.S. 90-95(g1), the State gives notice of its intent to use the attached SBI Lab Report and the chain of custody statement.

Pursuant to N.C.G.S. 8C-1, Rule 609(b), the State gives notice of its intent to introduce into evidence any conviction that is more than 10 years old:

Pursuant to N.C.G.S. 15A-907, attached is additional discovery for inspection:

Brady Material if not included will be provided as it becomes known to the State.

List of photocopied items delivered to the defense from the "Originals" Departmental File

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

## NOTICE

Pursuant to N.C.G.S. 15A-975 and 15A-976, the State gives notice of its intent to use (1) evidence of a statement made by the defendant; (2) evidence obtained by virtue of a search without a search warrant or (3) evidence obtained as a result of a search with a search warrant when the defendant was not present at the time of the execution of the search warrant.

## MOTION FOR RECIPROCAL DISCOVERY

In addition to voluntarily providing discovery, the State Moves the Court pursuant to N.C.G.S. 15A-905(a) and Senate Bill 52, to Order the defendant to permit the State to inspect and copy or photograph any documents and tangible objects that are within the possession, custody, or control of the defendant and which the defendant intends to introduce in evidence at the trial.

Pursuant to N.C.G.S. 15A-905(b), the State moves the Court to Order the defendant to permit the State to inspect and copy or photograph results or reports of physical or mental examinations or of tests, measurements or experiments made in connection with this case, or copies thereof, within the possession, custody or control of the defendant that the defendant intends to introduce in evidence at the trial or that were prepared by a witness whom the defendant intends to call at the trial, regarding the results of such examinations, tests, measurements, or experiments related to the witness' testimony. The State Moves the Court to Order the defendant to permit the State to inspect, examine and test, subject to appropriate safeguards, any physical evidence or sample of it, available to the defendant if the defendant intends to offer such evidence or tests or experiments made in connection with such evidence, as an exhibit or evidence in the case.

Pursuant to N.C.G.S. 15A-905(c)(1), (c)(1)(a) and (c)(1)(b), the State moves the Court to Order the defense to give the State notice of its intent to offer at trial a defense of alibi, duress, entrapment, insanity, mental infirmity, diminished capacity, self-defense, accident, automatism, involuntary intoxication or voluntary intoxication. Said notice shall be given within 20 working days after the date the case is set for trial pursuant to G.S. 7A-49.4 or such other later time as set by the Court. The State moves the Court to order the defense to disclose the identity of any and all alibi witnesses no later than two weeks before trial. As to the defenses of duress, entrapment, insanity, automatism or involuntary intoxication, the State moves the Court to order the defense to include specific information as to the nature and the extent of the defense with the notice of defense.

Pursuant to N.C.G.S. 15A-905(c)(2), the State moves the Court to order the defense to give the State notice of the defense's expert witnesses that the defendant reasonably intends to call at trial. Said notice shall include curriculum vitae, the expert's opinion and the underlying basis for the expert opinion.

Pursuant to N.C.G.S. 15A-905(c)(3), the State moves the Court to order the defense to give the State, at the beginning of jury selection, a written list of the names of all witnesses whom the defendant reasonably expects to call during the trial.

The State specifically requests the Court to set a specific date and deadline for the defense to comply with the requests of the State.

WHEREFORE , the State PRAYS the Court to ORDER the Defendant to produce the foregoing discovery requests within the time set forth by the Court.

This the 5<sup>th</sup> day of June, 2007.  
VW

Vanessa Burton  
Assistant District Attorney  
16B Prosecutorial District  
Box 19  
Robeson County Courthouse  
Lumberton, North Carolina 28358

#### CERTIFICATE OF SERVICE

The undersigned certifies that the State's Voluntary Discovery Response, Motion for Reciprocal Discovery, Notice of Intent and the above checked items were duly served on defense attorney Branch by depositing a copy in the box of said attorney located in the office of the Robeson County Clerk of Superior Court or by First Class Mail to said attorney's business address or by Hand Delivery to said attorney or an employee of said attorney.

This the 5<sup>th</sup> day of June, 2007.

VB  
Vanessa Burton  
Assistant District Attorney  
16B Prosecutorial District  
Box 19  
Robeson County Courthouse  
Lumberton, North Carolina 28358

Hand delivery received by \_\_\_\_\_ on this the \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_.

STATE OF NORTH CAROLINA  
ROBESON COUNTY

FILE NO: 05 CRS 055737  
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

## STATE VERSUS

GREEN, DONALD, REID  
1071 W TOBERMORY RD  
PARKTON NC 28371

NOTICE OF RETURN OF  
BILL OF INDICTMENT  
G.S. 15A-630

## TO THE DEFENDANT NAMED ABOVE:

TAKE NOTICE THAT THE GRAND JURY OF THE COUNTY NAMED ABOVE HAS RETURNED THE ATTACHED TRUE BILL(S) OF INDICTMENT CHARGING YOU WITH THE OFFENSE(S) SPECIFIED.

YOU ARE INFORMED THAT THERE ARE IMPORTANT TIME LIMITATIONS ON YOUR RIGHT TO DISCOVERY OF THE EVIDENCE AGAINST YOU. (SEE G.S. 15A-902 PRINTED ON THE ATTACHED SHEET.)

THIS NOTICE IS ISSUED UPON THE ORDER OF THE PRESIDING JUDGE.

YOU MUST APPEAR IN SUPERIOR COURT AT THE DATE, TIME AND PLACE SHOWN BELOW TO ANSWER THE CHARGES IN THIS INDICTMENT.

NOTICE TO DEFENDANT: IF AN EARLIER COURT DATE IS SET IN A RELEASE ORDER, YOU MUST APPEAR AT THAT TIME ALSO. IF THE DATE BELOW IS BLANK OR HAS PASSED, YOU MAY FIND THE COURT DATE ON THE INTERNET AT

<http://www1.aoc.state.nc.us/www/calendars/CriminalQuery.html>

PLEASE NOTE THAT THIS ADDRESS IS CASE SENSITIVE AND THEREFORE MUST BE TYPED INTO YOUR BROWSER EXACTLY AS IT APPEARS HERE.

DATE: 6-11-07 TIME: 10:00 :00 AM :00 PM PLACE: Robeson Courtroom 2A

NOTE: ATTACH TRUE BILL(S) OF  
INDICTMENT AND A COPY OF THE  
ORDER FOR ARREST, IF APPROPRIATE.

DATE ISSUED 05/16/07

SIGNATURE K.D. H. DEPUTY CSC  ASSISTANT CSC  CLERK OF SUPERIOR COURT

## CERTIFICATE OF NOTICE

I CERTIFY THAT I ISSUED A COPY OF THIS NOTICE TO THE DEFENDANT NAME ABOVE  
AT THE ADDRESS SHOWN BY:

- MAILING IT THROUGH THE U.S. POSTAL SERVICE.  
 ATTACHING IT TO AN ORDER FOR ARREST TO BE SERVED ON THE DEFENDANT.

OTHER: (SPECIFY) By placing a copy in Attorney's box

DATE 5-17-07 SIGNATURE K.D. H.

STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division		File No. 05CRS55737
<u>ROBESON COUNTY</u>		Film No.
<u>STATE VERSUS</u>		
DEFENDANT	INDICTMENT	
DONALD REID GREEN		I. FELONY POSSESSION OF COCAINE II. POSSESSION OF DRUG PARAPHERNALIA
DATE OF OFFENSE 9/1/05	OFFENSE IN VIOLATION OF G.S. 90-95(D)(2), 90-113.22	

- I. The jurors for the State upon their oath present that on or about the date of offense shown and in the county named above, the defendant named above unlawfully, willfully and feloniously did possess Cocaine, a controlled substance, which is included in Schedule II of the North Carolina Controlled Substances Act, all against the form of the statute in such case made and provided and against the peace and dignity of the State.
- II. And, the jurors for the State upon their oath present that on or about the date of offense shown and in the county named above, the defendant named above unlawfully and willfully did knowingly possess with intent to use drug paraphernalia, a plastic bag, a brillo pad, and two crack stems uscd to prepare, or package, or store, or contain and introduce into the body a controlled substance which it would be unlawful to possess, all against the form of the statute in such case made and provided and against the peace and dignity of the State.

		Signature of Prosecutor
WITNESSES		
<input checked="" type="checkbox"/> K. RICHARDSON, LPD	<input type="checkbox"/>	

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the under-signed Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

NOT A TRUE BILL

Date MAY 14 2007

Signature of Grand Jury Foreman

DH

STATE OF NORTH CAROLINA ROBESON County		File No. 05CR 055737 In the General Court of Justice District Court Division	No Image Available
Name And Mailing Address of Defendant  DONALD REID GREEN 1071 W TOBERMORY RD PARKTON NC 28371		Appearance Bond No. 05AB 055737-01	
Social Security No. 238-19-6083	Telephone No. Of Defendant 910-858-0418	<b>APPEARANCE BOND FOR PRETRIAL RELEASE</b>	
Total Bond Required \$5,000.00	Amount of This Bond \$5,000.00	G.S. Chapter 15A-531, 15A-534, 15A-544.2	
Offenses and Additional File Numbers 05CR 055737 PWISD COCAINE; POSSESS DRUG PARAPHERNALIA			
<input checked="" type="checkbox"/> Unsecured Appearance Bond - I, the undersigned defendant, acknowledge that my personal representatives and I are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side. <input type="checkbox"/> Cash Appearance Bond (See note on reverse side.) - I, the undersigned defendant, acknowledge that I am bound to pay the State of North Carolina the sum shown above; and hereby deposit the cash identified below as security with the understanding that the deposit will be returned upon the Court's determination that the conditions of release have been performed, subject to the conditions of this Bond stated on the reverse side, and that it will be available to satisfy my obligations. <input type="checkbox"/> Surety Appearance Bond - We, the undersigned, jointly and severally acknowledge that we and our personal representatives are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side. <input type="checkbox"/> (licensed professional bondsman) - The "Affidavit Of Licensed Professional Bondsman" on the reverse side of this Bond is complete and true. <input type="checkbox"/> Cash Deposited by Surety (See note on reverse side.) - We have deposited the cash identified below to secure our obligations as sureties on this bond with the understanding that the deposit will be returned to us upon the Court's determination that the conditions of pretrial release have been performed, and that it will NOT be available to satisfy defendant's obligation.			
Date Of Execution Of Bond 09/02/2005	Signature Of Defendant <i>Donald Green</i>		
<b>ACCOMMODATION BONDSMAN</b>			
<input type="checkbox"/> See Page Two for additional accommodation bondsmen executing this bond.			
Name And Address Of Accommodation Bondsman	Name And Address Of Accommodation Bondsman		
Social Security No.	Telephone No.	Social Security No.	Telephone No.
<b>PROFESSIONAL BONDSMAN</b>			
Name Of Bondsman	Name Of Runner, If Applicable		
License No. Of Bondsman	License No. Of Runner		
<b>INSURANCE COMPANY</b>			
Name Of Insurance Company	Name Of Bail Agent		
Power Of Appointment No. Of Bail Agent as Registered In The Clerk's Office	License No. Of Bail Agent		
<b>SIGNATURE</b>			
Signature Of Surety		Signature Of Surety	
<b>SWORN AND SUBSCRIBED TO BEFORE ME</b>		<b>SWORN AND SUBSCRIBED TO BEFORE ME</b>	
Date 09/02/2005	Signature THOMAS W ESPEY	Date	Signature
Title Magistrate	Title		
<b>COMPLETE IF CASH DEPOSITED</b>			
Signature Of Official Accepting Cash	Name Of Official Accepting Cash (Type or Print)		Receipt No.

NOTE: If cash deposited, see note on reverse side.

**CONDITIONS**

The conditions of this Bond are that the above named defendant shall appear in the above entitled action(s) whenever required and will at all times remain amenable to the orders and processes of the Court. It is agreed and understood that this Bond is effective and binding upon the defendant and each surety throughout all stages of the proceedings in the trial divisions of the General Court of Justice until the entry of judgment in the district court from which no appeal is taken or until the entry of judgment in the superior court. If the defendant appears as ordered and otherwise performs the foregoing conditions of the bond, then the bond is to be void, but if the defendant fails to obey any of these conditions, the Court will forfeit the bond pursuant to Part 2 of Article 26 of Chapter 15A of the General Statutes.

Each accommodation bondsman, by signing on the reverse or on page two, states: "I have reached the age of 18 years and am a bona fide resident of North Carolina. Aside from love and affection and release of the above named defendant, I have received no consideration for acting as surety. I own sufficient property over and above all liabilities, homestead and other exemptions allowed me by law to enable me to pay this Bond should it be ordered forfeited. I understand that if I sign this Bond without sufficient property, I am guilty of a crime."

**AFFIDAVIT OF LICENSED PROFESSIONAL BONDSMAN**

**NOTE:** "Licensed professional bondsmen must file with the clerk of court having jurisdiction over the principal, an affidavit, a form furnished by the Administrative Office of the Court." G.S. 58-71-140(d). Check all options that apply.

- 1. I have not, nor has anyone for my use, been promised or received any collateral, security or premium for executing this Bond.
- 2. I have been promised a premium in the amount shown below, which is due on the date shown below.
- 3. I have received a premium in the amount shown below.
- 4. I have been given collateral security by the person named below, of the nature and in the amount shown below.

Amount of Premium Promised \$	Date Due	Amount of Premium Received \$

**AFFIX STAMP OR  
POWER OF ATTORNEY  
HERE**

**RETURN OF CUSTODIAN OF DETENTION FACILITY**

The defendant named on the reverse was released from my custody on the date shown below upon the execution of this Appearance Bond.

Date Defendant Released	Signature of Custodian	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Deputy Sheriff	<input type="checkbox"/> Other _____

**NOTES ON CASH BONDS:**

- (1) *To Official Taking The Bond. Use this form for all cash bonds. Only magistrate or clerk may take cash bond. Jailer may not take cash bond. Complete this form as follows:*

*When Cash Deposited By Defendant Or By Another Person Who Intends For The Cash To Be Used To Satisfy The Defendant's Obligations. Enter defendant's name, address and SS# at the top of Side One. Check "Cash Appearance Bond." Have defendant sign. Do no more. No other person's name should appear on this form. Enter your name, sign and enter receipt number under "Complete If Cash Deposited." Make receipt out to DEFENDANT, not to any other person.*

*When Cash Deposited By Another Person Who Does NOT Intend For The Cash To Be Used To Satisfy The Defendant's Obligations. Enter defendant's name, address and SS# at the top of Side One. Check "Surety Appearance Bond." Also check "Cash Deposited By Surety." Have defendant sign. Enter name, address and SS# of person depositing cash under "Accommodation Bondsman." Have that person sign under "Signature of Surety." Complete notarization for that person. Enter your name, sign and enter receipt number under "Complete If Cash Deposited." Make receipt out to person depositing the cash.*

- (2) *To Bookkeeper. When case disposed, disburse cash as follows: (1) If "Cash Appearance Bond" checked on Side One, disburse to Defendant or apply to defendant's obligations if court so orders. (2) If "Surety Appearance Bond" and "Cash Deposited by Surety" are checked on Side One, disburse only to person named under "Accommodation Bondsman."*

- (3) *Bond With Insurance Company As Surety Same As Cash Except In Child Support. G.S. 15A-531(4) provides that an appearance bond executed by a bail agent acting on behalf of an insurance company is the same as a cash bond, except in child support contempt proceedings where only cash may satisfy a cash bond requirement.*

STATE OF NORTH CAROLINA ROBESON County		File No. 05CR 055737 In the General Court of Justice District Court Division	No Image Available
Name And Mailing Address of Defendant  DONALD REID GREEN 1071 W TOBERMORY RD PARKTON NC 28371		Appearance Bond No. 05AB 055737-01	
Social Security No. 238-19-6083	Telephone No. Of Defendant 910-858-0418	<b>APPEARANCE BOND FOR PRETRIAL RELEASE</b>	
Total Bond Required \$5,000.00	Amount of This Bond \$5,000.00	G.S. Chapter 15A-531, 15A-534, 15A-544.2	
Offenses and Additional File Numbers 05CR 055737 PWISD COCAINE; POSSESS DRUG PARAPHERNALIA			
<p><input checked="" type="checkbox"/> Unsecured Appearance Bond - I, the undersigned defendant, acknowledge that my personal representatives and I are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side.</p> <p><input type="checkbox"/> Cash Appearance Bond (See note on reverse side.) - I, the undersigned defendant, acknowledge that I am bound to pay the State of North Carolina the sum shown above; and hereby deposit the cash identified below as security with the understanding that the deposit will be returned upon the Court's determination that the conditions of release have been performed, subject to the conditions of this Bond stated on the reverse side, and that it will be available to satisfy my obligations.</p> <p><input type="checkbox"/> Surety Appearance Bond - We, the undersigned, jointly and severally acknowledge that we and our personal representatives are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side.</p> <p><input type="checkbox"/> (licensed professional bondsman) - The "Affidavit Of Licensed Professional Bondsman" on the reverse side of this Bond is complete and true.</p> <p>- <input type="checkbox"/> Cash Deposited by Surety (See note on reverse side.) - We have deposited the cash identified below to secure our obligations as sureties on this bond with the understanding that the deposit will be returned to us upon the Court's determination that the conditions of pretrial release have been performed, and that it will NOT be available to satisfy defendant's obligation.</p>			
Date Of Execution Of Bond 09/02/2005	Signature Of Defendant 		
ACCOMMODATION BONDSMAN			
<input type="checkbox"/> See Page Two for additional accommodation bondsmen executing this bond.			
Name And Address Of Accommodation Bondsman		Name And Address Of Accommodation Bondsman	
Social Security No.	Telephone No.	Social Security No.	Telephone No.
PROFESSIONAL BONDSMAN			
Name Of Bondsman		Name Of Runner, If Applicable	
License No. Of Bondsman		License No. Of Runner	
INSURANCE COMPANY			
Name Of Insurance Company		Name Of Bail Agent	
Power Of Appointment No. Of Bail Agent as Registered In The Clerk's Office		License No. Of Bail Agent	
SIGNATURE			
Signature Of Surety		Signature Of Surety	
SWORN AND SUBSCRIBED TO BEFORE ME		SWORN AND SUBSCRIBED TO BEFORE ME	
Date 09/02/2005	Signature THOMAS W ESPEY	Date	Signature
Title Magistrate		Title	
COMPLETE IF CASH DEPOSITED			
Signature Of Official Accepting Cash		Name Of Official Accepting Cash (Type or Print)	
		Receipt No.	

NOTE: If cash deposited, see note on reverse side.

**CONDITIONS**

The conditions of this Bond are that the above named defendant shall appear in the above entitled action(s) whenever required and will at all times remain amenable to the orders and processes of the Court. It is agreed and understood that this Bond is effective and binding upon the defendant and each surety throughout all stages of the proceedings in the trial divisions of the General Court of Justice until the entry of judgment in the district court from which no appeal is taken or until the entry of judgment in the superior court. If the defendant appears as ordered and otherwise performs the foregoing conditions of the bond, then the bond is to be void, but if the defendant fails to obey any of these conditions, the Court will forfeit the bond pursuant to Part 2 of Article 26 of Chapter 15A of the General Statutes.

Each accommodation bondsman, by signing on the reverse or on page two, states: "I have reached the age of 18 years and am a bona fide resident of North Carolina. Aside from love and affection and release of the above named defendant, I have received no consideration for acting as surety. I own sufficient property over and above all liabilities, homestead and other exemptions allowed me by law to enable me to pay this Bond should it be ordered forfeited. I understand that if I sign this Bond without sufficient property, I am guilty of a crime."

**AFFIDAVIT OF LICENSED PROFESSIONAL BONDSMAN**

**NOTE:** "Licensed professional bondsmen must file with the clerk of court having jurisdiction over the principal, an affidavit, a form furnished by the Administrative Office of the Court." G.S. 58-71-140(d). Check all options that apply.

- 1. I have not, nor has anyone for my use, been promised or received any collateral, security or premium for executing this Bond.
- 2. I have been promised a premium in the amount shown below, which is due on the date shown below.
- 3. I have received a premium in the amount shown below.
- 4. I have been given collateral security by the person named below, of the nature and in the amount shown below.

Amount of Premium Promised \$	Date Due	Amount of Premium Received \$

**AFFIX STAMP OR  
POWER OF ATTORNEY  
HERE**

**RETURN OF CUSTODIAN OF DETENTION FACILITY**

The defendant named on the reverse was released from my custody on the date shown below upon the execution of this Appearance Bond.

Date Defendant Released	Signature of Custodian	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Deputy Sheriff	<input type="checkbox"/> Other _____
-------------------------	------------------------	----------------------------------	---	--------------------------------------

**NOTES ON CASH BONDS:**

- (1) To Official Taking The Bond. Use this form for all cash bonds. Only magistrate or clerk may take cash bond. Jailer may not take cash bond. Complete this form as follows:

When Cash Deposited By Defendant Or By Another Person Who Intends For The Cash To Be Used To Satisfy The Defendant's Obligations. Enter defendant's name, address and SS# at the top of Side One. Check "Cash Appearance Bond." Have defendant sign. Do no more. No other person's name should appear on this form. Enter your name, sign and enter receipt number under "Complete If Cash Deposited." Make receipt out to DEFENDANT, not to any other person.

When Cash Deposited By Another Person Who Does NOT Intend For The Cash To Be Used To Satisfy The Defendant's Obligations. Enter defendant's name, address and SS# at the top of Side One. Check "Surety Appearance Bond." Also check "Cash Deposited By Surety." Have defendant sign. Enter name, address and SS# of person depositing cash under "Accommodation Bondsman." Have that person sign under "Signature of Surety." Complete notarization for that person. Enter your name, sign and enter receipt number under "Complete If Cash Deposited." Make receipt out to person depositing the cash.

- (2) To Bookkeeper. When case disposed, disburse cash as follows: (1) If "Cash Appearance Bond" checked on Side One, disburse to Defendant or apply to defendant's obligations if court so orders. (2) If "Surety Appearance Bond" and "Cash Deposited by Surety" are checked on Side One, disburse only to person named under "Accommodation Bondsman."

- (3) Bond With Insurance Company As Surely Same As Cash Except In Child Support. G.S. 15A-531(4) provides that an appearance bond executed by a bail agent acting on behalf of an insurance company is the same as a cash bond, except in child support contempt proceedings where only cash may satisfy a cash bond requirement.

## STATE OF NORTH CAROLINA

Robeson County

File No. 05CR55737

In The General Court Of Justice  
 District  Superior Court Division

## STATE VERSUS

Name Of Defendant

X Donald R Green

## WAIVER OF COUNSEL

G.S. 7A-457; 15A-1242

Additional File No (s) And/Or Offense(s)

## ACKNOWLEDGMENT OF RIGHTS AND WAIVER

As the undersigned party in this action, I freely and voluntarily declare that I have been fully informed of the charges against me, the nature of and the statutory punishment for each such charge, and the nature of the proceedings against me; that I have been advised of my right to have counsel assigned to assist me and my right to have the assistance of counsel in defending against these charges or in handling these proceedings, and that I fully understand and appreciate the consequences of my decision to waive the right to assigned counsel and the right to assistance of counsel.

I freely, voluntarily and knowingly declare that:

(check only one)

1. I waive my right to assigned counsel and that I, hereby, expressly waive that right.
2. I waive my right to all assistance of counsel which includes my right to assigned counsel and my right to the assistance of counsel. In all respects, I desire to appear in my own behalf, which I understand I have the right to do.

## SWORN AND SUBSCRIBED TO BEFORE ME

Date

9-2-05

Date  
9-2-05Signature  
Lorraine Hammonds

Signature Of Defendant

X Donald K Green

 Deputy CSC Assistant CSC Clerk Of Superior Court

## CERTIFICATE OF JUDGE

I certify that the above named defendant has been fully informed in open court of the charges against him/her, the nature of and the statutory punishment for each charge, and the nature of the proceeding against the defendant and his/her right to have counsel assigned by the court and his/her right to have the assistance of counsel to represent him/her in this action; that the defendant comprehends the nature of the charges and proceedings and the range of punishments; that he/she understands and appreciates the consequences of his/her decision and that the defendant has voluntarily, knowingly and intelligently elected in open court to be tried in this action:

(check only one)

1. without the assignment of counsel.
2. without the assistance of counsel, which includes the right to assigned counsel and the right to assistance of counsel.

NOTE: For a waiver of assigned counsel only, both blocks numbered "1" must be checked. For a waiver of all assistance of counsel, both blocks numbered "2" must be checked.

Date

9-2-05

Signature Of Judge

J G Bell

Name Of Judge Type Or Print

James G Bell

COUNTY OF ROBESON  
STATE OF NORTH CAROLINA

## DISTRICT COURT DIVISION

FILE NO: SCR 55737

-vs-

FIRST APPEARANCE

Douglas Green  
DEFENDANT

The undersigned having conducted a first appearance, now makes the following determination and entries as indicated by check mark:

- (1)  Defendant is represented by \_\_\_\_\_, Attorney.  
(If so, go to 6.)
- (2)  The Defendant has been informed of his rights to remain silent and that anything he says may be used against him; and that he has important legal rights which may be waived unless asserted in a timely and proper manner and that counsel may be of assistance to the defendant in advising and acting in defendant's behalf.
- (3)  The Defendant requested the appointment of counsel and was (not) (found) to be indigent and counsel was (not) appointed.
- (4)  The Defendant has been advised that if he desires to be represented by counsel that he should obtain counsel promptly.
- (5)  The Defendant has signed a waiver of the appointment of counsel.
- (6)  The Defendant is properly charged with one or more felonies and defendant has been advised of said charges.
- (7)  The Defendant or Attorney has been furnished a copy of all charges.
- (8)  Bail has been (determined) (reviewed) for the defendant.
- (9)  The Probable Cause Hearing procedure was explained to the defendant and same was (not) waived.
- (10)  The Defendant indicates a desire to employ counsel and has been advised that the Probable Cause Hearing will not be continued, except for extraordinary cause.

NOW, THEREFORE IT IS ORDERED:

- (A) Probable Cause Hearing is set for L'Fon District Court on 9-28-05, \_\_\_\_\_.  
  
(B) Upon waiver of Probable Cause Hearing the Defendant is BOUND OVER to SUPERIOR COURT for the Session to be held \_\_\_\_\_, 19 \_\_\_\_\_.  
  
(C) \_\_\_\_\_

THIS THE 2 DAY OF Sep, 2005.

D G Bell  
DISTRICT COURT JUDGE

K. Richardson Lton P.D.

STATE OF NORTH CAROLINA ROBESON		County	File No. 05CR 055737 In the General Court of Justice District Court Division	No Image Available
STATE VERSUS		Release Order No.	05RO 055737-01	
Name And Address of Defendant  DONALD REID GREEN 1071 W TOBERMORY RD PARKTON NC 28371		<b>CONDITIONS OF RELEASE AND RELEASE ORDER</b>		
Amount of Bond  \$5,000.00		G.S. Chapter 15A, Art 25,26		
Offenses and Additional File Numbers  05CR 055737 PWSD COCAINE; POSSESS DRUG PARAPHERNALIA				
Location Of Court  LUMBERTON Room:3C		District	Date 09/02/2005	Time 09:00 AM
<p>To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. If you fail to appear, you will be arrested and you may be charged with the crime of willful failure to appear.</p> <p>The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel, family and friends.</p> <p><input checked="" type="checkbox"/> Your release is authorized upon execution of your:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> WRITTEN PROMISE to appear</li> <li><input type="checkbox"/> CUSTODY RELEASE</li> </ul> <p>You will be arrested if you violate the following restrictions:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Your release is not authorized.</li> <li><input type="checkbox"/> The defendant was arrested or surrendered after failing to appear as required under a prior release order.</li> <li><input type="checkbox"/> This was the defendant's second or subsequent failure to appear in this case.</li> </ul>				
Additional Information				
Date 09/02/2005	Signature Of Judicial Official THOMAS W ESPEY		Title Magistrate	
<b>ORDER OF COMMITMENT</b>				
<p>To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released, you are ORDERED to:</p> <p><input type="checkbox"/> produce him/her in Court as provided above. <input checked="" type="checkbox"/> hold him/her for the following purpose: <b>CUSTODY RELEASE TO JERRY DANIELS</b></p> <p><input type="checkbox"/> [Check In all domestic violence cases covered by G.S. 15A-534.1(b)] produce him/her at the first session of district or superior court held in this county after the entry of this Order or, if no session is held before [enter date and time 48 hours after time of arrest] _____ produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.</p>				
Name Of Detention Facility ROBESON COUNTY JAIL	Date 09/02/2005	Signature Of Judicial Official THOMAS W ESPEY		
<b>WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE</b>				
<p>I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand and agree that this promise is effective until the entry of judgment in the District Court from which no appeal is taken or until the entry of judgment in Superior Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.</p>				
Date 09/02/05	Signature of Defendant Donald Green	Signature Of Person Agreeing To Supervise Defendant Jerry Daniels		
Name of Person Agreeing to Supervise Defendant (Type or Print) Jerry Daniels		Address Of Person Agreeing To Supervise Defendant		
<b>DEFENDANT RELEASED ON BAIL</b>				
Date	Time	Signature of Jailer		

COURT COPY

**NOTE TO CUSTODIAN:** This form shall accompany the defendant to court for all appearances.

<b>STATE OF NORTH CAROLINA</b> ROBESON County		File No. <b>05CR 055737</b>	In the General Court of Justice District Court Division	<b>No Image Available</b>
<b>STATE VERSUS</b>		Release Order No. <b>05RO 055737-01</b>		
<i>Name And Address of Defendant</i>  DONALD REID GREEN 1071 W TOBERMORY RD PARKTON NC 28371		<b>CONDITIONS OF RELEASE AND RELEASE ORDER</b>		
<i>Amount of Bond</i>  \$5,000.00		G.S. Chapter 15A, Art 25,26		
<i>Offenses and Additional File Numbers</i>  05CR 055737 PWISD COCAINE; POSSESS DRUG PARAPHERNALIA				
<i>Location Of Court</i>  LUMBERTON Room:3C		District	Date <b>09/02/2005</b>	Time <b>09:00 AM</b>
<p>To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. If you fail to appear, you will be arrested and you may be charged with the crime of willful failure to appear.</p> <p>The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel, family and friends.</p> <p><input checked="" type="checkbox"/> Your release is authorized upon execution of your:</p>				
<p><input type="checkbox"/> WRITTEN PROMISE to appear      <input checked="" type="checkbox"/> UNSECURED BOND in the amount shown above</p> <p><input type="checkbox"/> CUSTODY RELEASE      <input type="checkbox"/> SECURED BOND in the amount shown above</p>				
<p>You will be arrested if you violate the following restrictions:</p> <p><input type="checkbox"/> Your release is not authorized.</p> <p><input type="checkbox"/> The defendant was arrested or surrendered after failing to appear as required under a prior release order.</p> <p><input type="checkbox"/> This was the defendant's second or subsequent failure to appear in this case.</p>				
<i>Additional Information</i>				
Date <b>09/02/2005</b>	<i>Signature Of Judicial Official</i> <b>THOMAS W ESPEY</b>		<i>Title</i> <b>Magistrate</b>	
<b>ORDER OF COMMITMENT</b>				
<p>To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released, you are ORDERED to:</p> <p><input type="checkbox"/> produce him/her in Court as provided above.    <input checked="" type="checkbox"/> hold him/her for the following purpose:</p> <p><b>CUSTODY RELEASE TO JERRY DANIELS</b></p>				
<p><input type="checkbox"/> [Check in all domestic violence cases covered by G.S. 15A-534.1(b)] produce him/her at the first session of district or superior court held in this county after the entry of this Order or, if no session is held before [enter date and time 48 hours after time of arrest] _____</p> <p>produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.</p>				
Name Of Detention Facility <b>ROBESON COUNTY JAIL</b>	Date <b>09/02/2005</b>	<i>Signature Of Judicial Official</i> <b>THOMAS W ESPEY</b>		
<b>WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE</b>				
<p>I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand and agree that this promise is effective until the entry of judgment in the District Court from which no appeal is taken or until the entry of judgment in Superior Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.</p>				
Date	<i>Signature of Defendant</i>		<i>Signature Of Person Agreeing To Supervise Defendant</i>	
<i>Name of Person Agreeing to Supervise Defendant (Type or Print)</i>			<i>Address Of Person Agreeing To Supervise Defendant</i>	
<b>DEFENDANT RELEASED ON BAIL</b>				
Date	Time	<i>Signature of Jailer</i>		

**CONDITIONS OF RELEASE MODIFICATION**

The Conditions of Release on the reverse are modified as follows:

Modification	Date	Signature of Judicial Official

**SUPPLEMENTAL ORDERS FOR COMMITMENT**

The defendant is next Ordered produced in Court as follows:

Date	Time	Place	Purpose	Signature of Judicial Official

**DEFENDANT RECEIVED BY DETENTION FACILITY**

**DEFENDANT RELEASED FOR COURT APPEARANCE**

**NOTE TO CUSTODIAN:** This form shall accompany the defendant to court for all appearances.

File No. 05CR 055737		STATE OF NORTH CAROLINA ROBESON County		In The General Court of Justice, District Court Division	No Image Available																
MAGISTRATE'S ORDER																					
Offense		<p>I PWISD COCAINE II POSSESS DRUG PARAPHERNALIA</p> <p>THE STATE OF NORTH CAROLINA VS.</p> <p>Name, Address &amp; Telephone No. of Defendant <b>DONALD REID GREEN 1071 W TOBERMORY RD PARKTON NC 28371 910-858-0418 ROBESON County</b></p>																			
Race	Sex	Date of Birth	Age	<p>I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did possess with the intent to sell and deliver a controlled substance, namely APPROXIMATELY 6 GRAMS of cocaine, which is included in Schedule II of the North Carolina Controlled Substances Act.</p>																	
B	M	04/08/1966	39																		
Social Security No.		Drivers License No. & State 238-19-6083																			
Name of Defendant's Employer																					
Offense Code	Offense in Violation of G.S.																				
I 3555	I 90-95(A) II 90-113.22																				
II 3401	Date of Offense 09/01/2005																				
Date of Arrest & Check Digit No. (As Shown On Fingerprint Card) 09/01/2005 S74439Y																					
Arresting Officer (Name, Address or Department, Phone No.) <b>K RICHARDSON (LUMBERTON PD) 1305 GODWIN AVE LUMBERTON NC 28358</b>																					
Witnesses (Names, Addresses, Phone Numbers)																					
<p>This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.</p> <table border="1"> <tr> <td colspan="2">Signature</td> <td colspan="2">Location of Court</td> </tr> <tr> <td colspan="2">THOMAS W ESPEY</td> <td colspan="2">LUMBERTON Room 3C</td> </tr> <tr> <td><input checked="" type="checkbox"/> Offense Which Requires Fingerprinting Per Fingerprint Plan</td> <td>Date Issued 09/02/2005</td> <td>Court Date 09/02/2005</td> <td>Court Time 09:00 AM</td> </tr> <tr> <td colspan="2">Magistrate</td> <td colspan="2"></td> </tr> </table>						Signature		Location of Court		THOMAS W ESPEY		LUMBERTON Room 3C		<input checked="" type="checkbox"/> Offense Which Requires Fingerprinting Per Fingerprint Plan	Date Issued 09/02/2005	Court Date 09/02/2005	Court Time 09:00 AM	Magistrate			
Signature		Location of Court																			
THOMAS W ESPEY		LUMBERTON Room 3C																			
<input checked="" type="checkbox"/> Offense Which Requires Fingerprinting Per Fingerprint Plan	Date Issued 09/02/2005	Court Date 09/02/2005	Court Time 09:00 AM																		
Magistrate																					

05 SEP -2 AM 8:42  
N.C. GEN. CL. C.R.  
FILED  
CLERK, N.C. S.C.

District Attorney	Attorney For Defendant At Time of Trial or Plea	<input type="checkbox"/> Appointed <input type="checkbox"/> Retained <input type="checkbox"/> Waived No/Level: 0 <input type="checkbox"/> I(0) <input type="checkbox"/> II(1-4) <input type="checkbox"/> III(5+)	PRIOR CONVICTIONS	
				M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
PLEA: <input type="checkbox"/> guilty <input type="checkbox"/> no contest _____ <input type="checkbox"/> guilty <input type="checkbox"/> no contest _____ <input type="checkbox"/> not guilty _____		VERDICT: <input type="checkbox"/> guilty _____ <input type="checkbox"/> guilty _____ <input type="checkbox"/> not guilty _____		M.C.L. <input type="checkbox"/> A1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
<p>JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict it is ORDERED that the defendant: <input type="checkbox"/> pay costs and a fine of \$ _____.</p> <p><input type="checkbox"/> be imprisoned for a term of _____ days in the custody of the sheriff. <input type="checkbox"/> DOC. Pretrial credit _____ days served.</p> <p><input type="checkbox"/> Work release <input type="checkbox"/> is recommended <input type="checkbox"/> is NOT recommended <input type="checkbox"/> is ordered. [use form AOC-CR-602]</p> <p><input type="checkbox"/> The court finds that a <input type="checkbox"/> longer <input type="checkbox"/> shorter period of probation, than that which is specified in G.S. 15A-1343.2(d), is necessary.</p> <p><input type="checkbox"/> With defendant's consent, execution of the sentence is suspended and the defendant is placed on unsupervised probation for _____ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations as required by the Court. (5) pay to the Clerk the costs of court and any additional sum shown below.</p>				
Fine \$	Restitution * \$	Attorney's Fee \$	Community Service Fee \$	Other \$
* Name(s), address(es), amount(s) & social security number(s) of aggrieved party(ies) to receive restitution:				
<p><input type="checkbox"/> 6. complete _____ hours of community service during the first _____ days of probation, as directed by the community service coordinator, and pay the fee prescribed by G.S. 143B-475.1(b) within _____ days.</p> <p><input type="checkbox"/> 7. not be found in or on the premises of the complainant or _____.</p> <p><input type="checkbox"/> 8. not assault, communicate with or be in the presence of the complainant or _____.</p> <p><input type="checkbox"/> 9. Other: _____          _____          _____          _____          _____</p>				
<p>It is ORDERED that this: <input type="checkbox"/> Judgment is continued upon payment of costs.  <input type="checkbox"/> case be consolidated for judgment with _____.  <input type="checkbox"/> sentence is to run at the expiration of the sentence in _____.</p> <p><input type="checkbox"/> COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.</p> <p>PROBABLE CAUSE: <input type="checkbox"/> Probable cause is found as to all counts except _____, and the defendant is bound over to Superior Court for action by the grand jury.  <input type="checkbox"/> No probable cause is found as to Count(s) _____ of this Warrant, and the Count(s) is dismissed.</p>				
APPEAL ENTRIES				
<input type="checkbox"/> The defendant, in open court, gives notice of appeal to the Superior Court. <input type="checkbox"/> The current pretrial release order is modified as follows:  Date _____ Signature of District Court Judge or Magistrate _____				
WAIVER OF PROBABLE CAUSE HEARING				
The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.		Date	Name of District Court Judge or Magistrate (Type or Print)	Signature of District Court Judge or Magistrate
Date Waived		<p>CERTIFICATION</p> <p>I certify that this Judgment is a true and complete copy of the original which is on file in this case.</p>		
Signature Of Defendant		Date	Date Delivered to Sheriff	Signature
Signature Of Attorney				<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Assist CSC <input type="checkbox"/> CSC

**NOTE:** If DWI, use AOC-CR-301 (active) or AOC-CR-310 (probation). If active sentence to DOC, use AOC-CR-602. If supervised probation, use AOC-CR-604.

Exhibit 4

## STATE OF NORTH CAROLINA

File No.  
10 CV 2247

Robeson County FILED

In The General Court Of Justice  
 Small Claims  District  Superior Court Division

## Name Of Plaintiff

William E McCormick 2010 SEP 13 AM 8:38

ROBESON COUNTY C.R.C.

## Name Of Defendant

Zeddie Green

NOTICE OF  
VOLUNTARY DISMISSAL

- COMPLAINT  
 COUNTERCLAIM  
 OTHER

G.S. 1A-1, Rule 41

## Complete the following information if known:

Court Date Time Location  
 AM  PM*[Handwritten signature]*

- The plaintiff gives notice of voluntary dismissal  with prejudice  without prejudice in this case as to all of the defendants.
- The plaintiff gives notice of voluntary dismissal  with prejudice  without prejudice in this case only as to the defendants named below and this case remains open as to defendants not listed.  
*(Name of defendants for whom dismissal taken.)*
- The defendant gives notice of voluntary dismissal  with prejudice  without prejudice of the counterclaim in this case as to all of the plaintiffs.
- The defendant gives notice of voluntary dismissal  with prejudice  without prejudice in this case only as to the plaintiffs named below and the counterclaim remains open as to plaintiffs not listed.  
*(Name of plaintiffs for whom dismissal taken.)*
- Other:

Date

9-13-10

Plaintiff Or Attorney

*[Signature]*

Date

Defendant Or Attorney

**NOTE TO CITY OR COUNTY PLAINTIFF:** If, pursuant to G.S. 7A-317, you were not required to advance costs when filing the complaint to which you are taking a voluntary dismissal, you must pay the costs to the Clerk of Superior Court upon taking a voluntary dismissal. You may not refile this lawsuit without paying the costs. G.S. 1A-1, Rule 41.

NORTH CAROLINA  
ROBESON COUNTY

William E. McCormick  
Plaintiff

-VS-

Zeddie Green  
Defendant

FILED  
2010 SEP 22 PM 4:40  
ROBESON COUNTY, C.S.C.  
BY *[Signature]*

In the General Court of Justice  
District Court Division  
10 CVD 2247

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the Notice of Appeal filed herein on July 29, 2010, on the opposing party by placing a copy, contained in a first-class postage-paid wrapper, into a depository under the exclusive custody of the United States Postal Service, on August 17, 2010, addressed as follows:

William E. McCormick  
217 N. Duffie Road  
Red Springs, NC 28377

This document is executed on September 2, 2010.

*Robert E. Price*  
Robert E. Price  
Attorney for the Defendant  
P. O. Box 630  
Lumberton, NC 28359  
910-739-8172

NORTH CAROLINA  
ROBESON COUNTY

William E. McCormick  
Plaintiff

-VS-

Zeddie Green  
Defendant

END

In the General Court of Justice  
District Court Division

10 CVD 2247

2010 AUG 30 PM 3:28  
ROBESON COUNTY, C.S.C.

NOTICE OF HEARING and  
MOTION FOR  
JUDGMENT ON THE PLEADINGS  
(JOPL)

## NOTICE OF HEARING

TO: Zeddie Green

PLEASE TAKE NOTICE that the undersigned will bring the following Motion on for hearing before the Robeson County District Court on September 13, 2010, at 9:00 o'clock a.m., or as soon thereafter as the Court can hear it.

## MOTION

The Plaintiff moves the Court pursuant to Rule 12(c) of the Rules of Civil Procedure that judgment be entered for the Defendant on the pleadings. The undisputed facts appearing in the pleadings entitle the Defendant to a dismissal with prejudice as a matter of law.

This document is executed on August 30, 2010.

Robert E. Price

Robert E. Price  
Attorney for the Defendant  
P. O. Box 630  
Lumberton, NC 28359  
910-739-8172

CERTIFICATE OF SERVICE

FILED

The undersigned certifies that a copy(ies) of the foregoing Notice and Motion for Judgment on the Pleadings was served on the following person(s) by depositing a copy(ies) of the Notice and Motion for Judgment on the Pleadings with the U. S. Postal Service on the date indicated below, with first class postage prepaid, addressed as indicated:

William E. McCormick  
217 N. Duffie Road  
Red Springs, NC 28377

This certificate is executed on August 30, 2010.

  
Robert E. Price

r4874.wpd-2005-8/30/10-3:02 pm

NORTH CAROLINA  
ROBESON COUNTYIN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

## CIVIL CALENDAR REQUEST

FILED

(Check)

(Date)  
2010 AUG 30 PM 3:28

- ADMINISTRATIVE SESSION \_\_\_\_\_ September 13, 2010  
 NON JURY DOMESTIC SESSION \_\_\_\_\_ ROBESON COUNTY, C.S.C.  
 NON JURY NON DOMESTIC SESSION \_\_\_\_\_ BY *[Signature]*  
 JURY SESSION \_\_\_\_\_

10 CVD 2247  
FILE #William E. McCormick  
PLAINTIFF(S)VS. Zeddie Green  
DEFENDANT(S)ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_N.A.  
PLAINTIFF(S) ATTORNEY  
\_\_\_\_\_  
ATTORNEY ADDRESS  
\_\_\_\_\_ROBERT E. PRICE  
DEFENDANT(S) ATTORNEY  
Post Office Box 630  
ATTORNEY ADDRESS  
Lumberton, NC 28359

(Check)

- UNCONTESTED DIVORCE  
 MATTERS TO BE HEARD WITHIN 10 DAYS  
 MOTION IN DOMESTIC CASE WITH CHILD SUPPORT  
 MOTION IN DOMESTIC CASE NO CHILD SUPPORT  
 MOTION IN NON DOMESTIC CASE - Judgment on the Pleadings  
 TRIAL (MUST BE FILED 28 DAYS PRIOR TO THE 1ST DAY OF THE SESSION)  
 PRETRIAL CONFERENCE  
 OTHER \_\_\_\_\_

(Check)

 COPY MAILED TO PARTY OR ATTORNEY ON \_\_\_\_\_  
DATE \_\_\_\_\_

Address of Party used to mail Party a copy

- 
- PARTY SERVED OTHERWISE; SEE NOTICE IN FILE

DATE: August 30, 2010

SIGNATURE

*Robert E. Price*

FILED

NORTH CAROLINA  
ROBESON COUNTY

William E. McCormick  
Plaintiff

-VS-

Zeddie Green  
Defendant

In the General Court of Justice  
2010 AUG 30 PM 3:28 District Superior Court Division  
ROBESON COUNTY, C.S.C.

10 CVD 2247

ANSWER  
(ANSW-Response)

The Defendant, answering the Plaintiff's Complaint, says:

1. It is admitted that the Plaintiff started working for Evergreen Rehabilitation Center on July 6, 2009, as a security officer at \$8.00 per hour, that he was transferred on August 13, 2009, to work as the third-shift shift commander, and that he has talked with various individuals about his pay.
2. The balance of the allegations of the Complaint are denied.

FURTHER ANSWER AND DEFENSE

For a further answer and defense, the Defendant says:

3. Evergreen Rehabilitation Center is owned and operated by Green Manor Rest Home, Inc.
4. The Defendant is merely a stockholder in Green Manor Rest Home, Inc.
5. The Defendant does not employ, and never has employed, the Plaintiff.
6. The Defendant has no debt or obligation to the Plaintiff.

Wherefore, the Defendant prays the Court that:

7. The Plaintiff have and recover nothing from the Defendant.
8. The costs of this action, including any appropriate attorney fees, be taxed against the Plaintiff.
9. The Defendant be awarded such other and further relief as the Court may deem just and proper.

This document is executed on August 30, 2010.

Robert E. Price  
Robert E. Price  
Attorney for the Defendant  
P. O. Box 630  
Lumberton, NC 28359  
910-739-8172

NORTH CAROLINA )  
                    )  
ROBESON COUNTY   )

VERIFICATION

Zeddie Green, being first duly sworn or affirmed, deposes and says that she is the Defendant in the foregoing action; that she has read the foregoing Answer and knows the contents thereof; that the same is true of her own knowledge, save and except those matters set forth upon information and belief, and as to those matters, she verily believes them to be true.

Zeddie B. Green  
Zeddie Green

Sworn to or affirmed and subscribed  
before me on August 27, 2010.

Grady Blue Jr.  
GRADY BLUE JR.  
NOTARY  
MY COMMISSION EXPIRES 12-8-2014  
PUBLIC  
SAMPSON COUNTY, NC  
Notary Public  
My Commission Expires: 12-8-2014

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Answer was served on the following person by depositing a copy of the Answer with the U. S. Postal Service on the date indicated below, with first class postage prepaid, addressed as indicated:

William E. McCormick  
217 N. Duffie Road  
Red Springs, NC 28377

This certificate is executed on August 30, 2010.

Robert E. Price  
Robert E. Price

## STATE OF NORTH CAROLINA

FILED

ROBESON

County

File No.

10CVD2247

Film No.

20 AUG 12 PM 11:41

ROBESON COUNTY, N.C. In The General Court Of Justice

 District     Superior Court Division     Small Claims

S:

MCR

Name Of Plaintiff/Petitioner

William E McCormick

VERSUS

ORDER

Name Of Defendant/Respondent

Freddie Green

 DISMISSAL     With Prejudice     Without Prejudice

This action is dismissed for the following reason:

- The plaintiff elected not to prosecute this action and has moved for dismissal.
- Neither the plaintiff, nor the defendant appeared on the scheduled trial date.
- The plaintiff failed to appear on the scheduled trial date; the defendant did appear on that date and has moved to dismiss this action.

 Other: DISCONTINUANCE [G.S. 1A-1, Rule 4(e)]

The defendant has never been served in this action, and more than ninety (90) days have elapsed since the last summons was issued.

 CONTINUANCE

The trial of this action is continued to the following date and time on motion of the

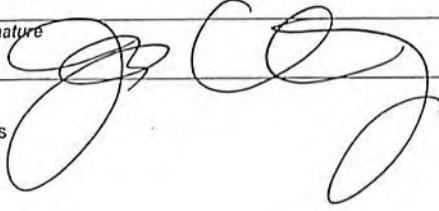
 Plaintiff Defendant *had not been served.* Judge or Magistrate Other: (specify) *attorney Robert Price requested a continuance.*

Admin Session

Date Of New Trial September 13, 2010	Time Of New Trial 9:00	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Location Of New Trial ROBESON COUNTY COURTHOUSE LUMBERTON, NC 3B
---	---------------------------	--	---

 BANKRUPTCY

It is ordered that this action be removed from the active calendar and placed on inactive status because a petition for bankruptcy has been filed staying this proceeding. This action may be reinstated if the claim is not resolved in the U.S. Bankruptcy or District Courts.

Date August 17, 2010	Signature 	<input checked="" type="checkbox"/> Judge <input type="checkbox"/> Magistrate
-------------------------	--	---

<input checked="" type="checkbox"/> Judge	<input type="checkbox"/> Magistrate
---	-------------------------------------

<input type="checkbox"/> Assistant CSC
--

<input type="checkbox"/> Clerk Of Superior Court
--

## STATE OF NORTH CAROLINA

Robeson *filed county*

217 North Rd Red Spring

1247  
11681810CVm1546  
Judgment Book And Page No.

Abstract No.

In The General Court Of Justice  
District Court Division-Small Claims

Name Of Plaintiff

William E McCormick

VERSUS

Name Of First Defendant

Zeddie Green

Name Of Second Defendant

NOTICE OF APPEAL  
TO DISTRICT COURT

G.S. 7A-228, 7A-230

## TO THE CLERK OF SUPERIOR COURT:

As the  plaintiff  defendant in the above captioned action, I hereby give written Notice of Appeal on the judgment entered. This Notice is given within ten (10) days after the date the judgment in this action was entered.

I certify that today I have served copies of this Notice to all parties involved in this action.

I understand that I must pay to the Clerk of Superior Court the court costs for appeal within twenty (20) days after the magistrate rendered judgment, unless I am authorized to appeal as an indigent, or my appeal will be dismissed.

If I am the defendant, I also understand that in certain cases if I wish to stay execution of the judgment, I may be required to sign a bond and that the plaintiff may have an execution issued after ten (10) days if I have not signed the required bond.

Also, I demand that this Appeal be tried before a  Judge.  jury.

Date Of Entry Of Judgment	Date Of Appeal	Date Costs Paid	Amount Of Court Costs Paid
7-29-2010	7-29-2010	7-29-2010	\$ 93
Signature Of Appealing Party		Signature Of Appealing Party	

## NOTICE TO THE APPEALING PARTY

**NOTICE OF APPEAL.** If you did not give Notice of Appeal to the magistrate in open court at the time the judgment was rendered, you may file this written Notice of Appeal with the clerk within ten (10) days after the judgment is entered. You have a right to request a trial by jury. If you do not ask for a jury trial, you will be given a trial by a judge without a jury. You must mail or deliver copies of this form to all of the other parties. If you mail them before filing this form with the Clerk, check the block in the body of the form indicating you have served the parties and fill out the back of the original of this form. If you mail copies after filing this form with the Clerk, you must file a separate certification of service with the Clerk. You must file an answer to the allegation if the complaint is a violation of G.S. 42-63 (criminal activity). G.S. 42-68(3).

**MANDATORY ARBITRATION.** Many counties have mandatory arbitration programs in which appeals from small claims court are heard by an arbitrator before they go to a district court trial. You will be notified if your case is assigned for mandatory arbitration and, if so, what you must do.

**COURT COSTS.** Within twenty (20) days after the magistrate's judgment is entered, you MUST PAY to the clerk, in cash, the court costs for appealing the case, or your appeal will be dismissed. If you cannot afford to pay the appeal costs, you may ask the clerk for the form to appeal as an indigent (AOC-G-106). You must file the form to appeal as an indigent within ten (10) days after the judgment was entered.

**STOPPING ENFORCEMENT OF JUDGMENT.** **Summary ejectment:** If you are a tenant appealing from a summary ejectment judgment entered against you and you wish to stay on the premises until the appeal is heard, you must SIGN A BOND that you will pay your rent as it becomes due into the Clerk's office; you must PAY IN CASH the amount of rent in arrears as determined by the magistrate; and if the judgment was entered more than five (5) days before the next rental payment is due, you may also have to PAY IN CASH the prorated amount of rent due from the date the judgment was entered until the next rental payment is due. Ask the clerk for the bond form (AOC-CVM-304) to allow you to stay on the premises. If you have not signed this bond and paid the prorated amount of cash within ten (10) days after the judgment was entered, the landlord can ask to have the sheriff remove you from the premises even though the case is being appealed. **Possession of personal property:** If the magistrate's judgment ordered you to return specific personal property to the other party and you wish to continue to hold that property until the appeal is heard, you must sign a bond, signed by at least one surety, that you and the surety will pay any costs and damages if you do not comply with the judgment of the district court. Ask the clerk for the bond form (AOC-CVM-906M). If you have not signed this bond within ten (10) days after the judgment was entered, the other party can ask to have the sheriff take the property from you even though the case is being appealed. **Money judgment:** If a money judgment has been entered against you, you do not need to sign a bond to stop enforcement. The judgment is automatically stayed until the appeal is heard.

## NOTICE TO PARTY NOT APPEALING

If the appealing party has not asked for a jury trial and you wish to have a jury rather than a judge without a jury try your case, you must file a written request for a trial by jury with the clerk within ten (10) days after receiving this Notice and, within the same amount of time, you must mail copies of your written request to the other parties. See section on Mandatory Arbitration above.

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2010 AUG -5 P W: 11

ROBESON COUNTY, C.S.C.

Date Mailed/Delivered	Signature Of Person Serving Notice Of Appeal
Name And Address Of Person To Whom Mailed/Delivered	Signature Of Person Serving Notice Of Appeal
Name And Address Of Person Serving Notice Of Appeal	
Title	
Deputy Sheriff	

**DID NOT SERVE Address in Hoke Co.**

## Share: FF Department

- I certify that a copy of this Notice of Appeal was served by \_\_\_\_\_

depositing a copy enclosed in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service directed to the  defendant.  defendant's attorney.

delivering a copy personally to the  defendant.  defendant's attorney.

leaving a copy at the  defendant's attorney's office with a partner or employee.

leaving a copy at the  plaintiff's attorney's office with a partner or employee.

## STATE OF NORTH CAROLINA

Robeson

County

FILED

File No.  
10CV-02247  
Judgment Book And Page No.

Abstract No.

In The General Court Of Justice  
District Court Division-Small Claims

Name Of Plaintiff

William E McCormick ROBESON COUNTY, C.S.C.

VERSUS

Name Of First Defendant

Zeddie Green

Name Of Second Defendant

NOTICE OF APPEAL  
TO DISTRICT COURT

G.S. 7A-228, 7A-230

## TO THE CLERK OF SUPERIOR COURT:

As the  plaintiff  defendant in the above captioned action, I hereby give written Notice of Appeal on the judgment entered. This Notice is given within ten (10) days after the date the judgment in this action was entered.

I certify that today I have served copies of this Notice to all parties involved in this action.

I understand that I must pay to the Clerk of Superior Court the court costs for appeal within twenty (20) days after the magistrate rendered judgment, unless I am authorized to appeal as an indigent, or my appeal will be dismissed.

If I am the defendant, I also understand that in certain cases if I wish to stay execution of the judgment, I may be required to sign a bond and that the plaintiff may have an execution issued after ten (10) days if I have not signed the required bond.

Also, I demand that this Appeal be tried before a  Judge.  jury.

Date Of Entry Of Judgment	Date Of Appeal	Date Costs Paid	Amount Of Court Costs Paid
7-29-2010	7-29-2010		\$
Signature Of Appealing Party		Signature OfAppealing Party	

## NOTICE TO THE APPEALING PARTY

**NOTICE OF APPEAL.** If you did not give Notice of Appeal to the magistrate in open court at the time the judgment was rendered, you may file this written Notice of Appeal with the clerk within ten (10) days after the judgment is entered. You have a right to request a trial by jury. If you do not ask for a jury trial, you will be given a trial by a judge without a jury. You must mail or deliver copies of this form to all of the other parties. If you mail them before filing this form with the Clerk, check the block in the body of the form indicating you have served the parties and fill out the back of the original of this form. If you mail copies after filing this form with the Clerk, you must file a separate certification of service with the Clerk. You must file an answer to the allegation if the complaint is a violation of G.S. 42-63 (criminal activity). G.S. 42-68(3).

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## NOTICE TO PARTY NOT APPEALING

If the appealing party has not asked for a jury trial and you wish to have a jury rather than a judge without a jury try your case, you must file a written request for a trial by jury with the clerk within ten (10) days after receiving this Notice and, within the same amount of time, you must mail copies of your written request to the other parties. See section on Mandatory Arbitration above.

## CIVIL CALENDAR REQUEST

(CHECK ONE BELOW)

(DATE)

XXX NON JURY PRO SE SESSION8-19-20109 Am 3#?ADMINISTRATIVE SESSIONNON JURY DOMESTIC SESSIONNON JURY NON DOMESTIC SESSIONJURY SESSION**10CV 02247**

FILE #

William E. McCormick vs Eddie Green

DEFENDANT(S)

217 North Buffie Road1079 West Parkton

ADDRESS

Red Springs, NC 28377

ADDRESS

Tubemary Road Parkton, NC

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PLAINTIFF(S) ATTY

DEFENDANT(S) ATTY

ATTY. ADDRESS

ATTY. ADDRESS

UNCONTESTED DIVORCEMATTERS TO BE HEARD WITHIN 10 DAYSMOTION IN DOMESTIC CASE WITH CHILD SUPPORTMOTION IN DOMESTIC CASE WITH NO CHILD SUPPORTMOTION IN NON DOMESTIC CASETRIAL (MUST BE FILED 28 DAYS PRIOR TO THE 1<sup>ST</sup> DAY OF THE SESSION)PRETRIAL CONFERENCEOTHER

(CHECK)

COPY MAILED TO PARTY OR ATTORNEY ON

DATE

NAME

ADDRESS

PARTY SERVED OTHERWISE; SEE RETURN IN FILE

DATE: 7-29-10 SIGNATURE Gwendy Blunk

7-29-10  
OKL

## CIVIL CALENDAR REQUEST

(CHECK ONE BELOW)

(DATE)

 NON JURY PRO SE SESSION 8-19-2010 9 AM 3<sup>rd</sup>? ADMINISTRATIVE SESSION \_\_\_\_\_ NON JURY DOMESTIC SESSION \_\_\_\_\_ NON JURY NON DOMESTIC SESSION \_\_\_\_\_ JURY SESSION \_\_\_\_\_

10CVJ 02247

FILE #

William E. McCormick vs Eddie Green

DEFENDANT(S)

217 North Buffie Road 1079 West Parkton

ADDRESS

ADDRESS

Red Springs, NC 28377 Tabemary Road Parkton, NC

PLAINTIFF(S) ATTY \_\_\_\_\_

DEFENDANT(S) ATTY \_\_\_\_\_

ATTY. ADDRESS \_\_\_\_\_

ATTY. ADDRESS \_\_\_\_\_

(CHECK)

UNCONTESTED DIVORCE

MATTERS TO BE HEARD WITHIN 10 DAYS

MOTION IN DOMESTIC CASE WITH CHILD SUPPORT

MOTION IN DOMESTIC CASE WITH NO CHILD SUPPORT

MOTION IN NON DOMESTIC CASE

TRIAL (MUST BE FILED 28 DAYS PRIOR TO THE 1<sup>ST</sup> DAY OF THE SESSION)

PRETRIAL CONFERENCE

OTHER \_\_\_\_\_

(CHECK)

COPY MAILED TO PARTY OR ATTORNEY ON \_\_\_\_\_

DATE

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PARTY SERVED OTHERWISE; SEE RETURN IN FILE

DATE: 7-29-10 SIGNATURE Grody Blunt

SEQ:006

File No. 10 CVM 1546	<b>STATE OF NORTH CAROLINA</b>	
Film No. 10/16		
Judgment Docket Book And Page No. <i>JMT-81</i>	ROBESON	County
<b>JUDGMENT IN ACTION TO RECOVER MONEY OR PERSONAL PROPERTY</b>		
G.S. 7A-210(2), 7A-224		
Name And Address Of Plaintiff		
MCCORMICK, WILLIAM, E 217 NORTH DUFFIE ROAD RED SPRINGS NC 28377		
County	Telephone No.	
<b>VERSUS</b>		
Name And Address Of Defendant 1 GREEN, ZEDDIE 1079 WEST PARKTON TOBEMORY ROAD (EVERGREEN CTR) PARKTON NC		
County	Telephone No.	
Name And Address Of Defendant 2		
County	Telephone No.	
Name And Address Of Plaintiff's Attorney <i>ROBESON COUNTY</i>		

		<b>FINDINGS</b>
The Court finds:		
<input checked="" type="checkbox"/> that the plaintiff has proved the case by the greater weight of the evidence. <input type="checkbox"/> that the plaintiff has failed to prove the case by the greater weight of the evidence. that the defendant(s) <input checked="" type="checkbox"/> was <input type="checkbox"/> was not present at trial. <input type="checkbox"/> Other:		
		<b>ORDER</b>
It is ORDERED that:		
<input type="checkbox"/> the plaintiff recover possession of the personal property described in the complaint. <input type="checkbox"/> the plaintiff recover possession of the personal property listed below:  <input type="checkbox"/> the plaintiff recover nothing of the defendant(s) and that this action be dismissed with prejudice. <input type="checkbox"/> (for breach of contract cases) the plaintiff recover of the defendant(s) the following principal sum and interest accrued to the date of the judgment, plus interest at the legal rate on the principal sum from this day until judgment is satisfied. <input checked="" type="checkbox"/> (for tort cases) the plaintiff recover of the defendant(s) the following principal sum, plus interest at the legal rate from the date the action was instituted until judgment is satisfied. <input type="checkbox"/> Other: (specify)		
<input checked="" type="checkbox"/> Costs of this action are taxed to the		<input type="checkbox"/> plaintiff. <input checked="" type="checkbox"/> defendant.
Principal Sum Of Judgment \$ <i>2399.60</i>		Name Of Judgment Debtor(s) From Whom Amount Recovered
Amount Of Interest Not Included In Principal \$		<input checked="" type="checkbox"/> Judgment Announced And Signed In Open Court
Attorney's Fees Or Other Damages (when appropriate) \$		Date <i>07-23-10</i> Signature Of Magistrate <i>[Signature]</i>
TOTAL AMOUNT \$ <i>2399.60</i>		Name Of Party Announcing Appeal In Open Court
<b>CERTIFICATION</b> <small>(NOTE: To be used when magistrate does not announce and sign this Judgment in open court at the conclusion of the trial.)</small> I certify that this Judgment has been served on each party named by depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.		
Date		Signature Of Magistrate

File No. <b>10CVM01546</b>		<b>STATE OF NORTH CAROLINA</b>																															
<b>COMPLAINT FOR MONEY OWED</b>  G.S. 7A-216, 7A-232		<u>Robeson</u> <u>Robenson</u> County	In The General Court Of Justice District Court Division-Small Claims																														
<p>Name And Address Of Plaintiff  <b>William E McCormick 217 North duffie Road Red Springs N.C. 28377</b></p> <p>Social Security No./Taxpayer ID No.  <b>245-94-9145</b></p> <p>County <b>Hoke</b> Telephone No. <b>910-904-3038</b></p> <p><b>VERSUS</b></p> <p>Name And Address Of Defendant 1 <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Corporation  <b>Zeddie Green 1079 West Parkton Tobemory Road Pktn N.C. (Ever Green Rehabilitation) Center</b></p> <p>County <b>Robeson</b> Telephone No. <b>910-858-3874</b></p> <p>Name And Address Of Defendant 2 <input type="checkbox"/> Individual <input type="checkbox"/> Corporation</p> <p><b>FILED A 9:15 7-6-10 ROBESON COUNTY, C.S.C.</b></p> <p><b>2010 BY [Signature]</b></p>		<ol style="list-style-type: none"> <li>1. The defendant is a resident of the county named above.</li> <li>2. The defendant owes me the amount listed for the following reason:</li> </ol> <table border="1" style="margin-top: 10px; width: 100%;"> <tr> <td style="padding: 5px;">Principal Amount Owed</td> <td style="padding: 5px;"><b>\$ 2399.60</b></td> </tr> <tr> <td style="padding: 5px;">Interest Owed (if any)</td> <td style="padding: 5px;"><b>\$ 0</b></td> </tr> <tr> <td style="padding: 5px;">Total Amount Owed</td> <td style="padding: 5px;"><b>\$ 2399.60</b></td> </tr> </table> <p>(check one below)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Description</th> <th style="width: 25%;">Date From Which Interest Due</th> <th style="width: 25%;">Interest Rate</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> On An Account (attach a copy of the account)</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> For Goods Sold And Delivered Between</td> <td>Beginning Date</td> <td>Ending Date</td> </tr> <tr> <td><input type="checkbox"/> For Money Lent</td> <td colspan="2">Date From Which Interest Due</td> </tr> <tr> <td><input type="checkbox"/> On a Promissory Note (attach copy)</td> <td>Date Of Note</td> <td>Date From Which Interest Due</td> </tr> <tr> <td><input type="checkbox"/> For a Worthless Check (attach a copy of the check)</td> <td colspan="2"></td> </tr> <tr> <td><input type="checkbox"/> For conversion (describe property)</td> <td colspan="2"></td> </tr> <tr> <td colspan="3"> <input checked="" type="checkbox"/> Other: (specify) <b>I started to work for Evergreen Rehabilitation Center on 7-6-09 as an security officer at \$8:00 dollar per hours. on 8-13-09 I was promoted to the 3RD shift commander at \$9.55 per hour. I have contacted, Mr Blue, Z. Green + A. Green About my money, But they still have not payed me-</b> </td> </tr> </tbody> </table> <p>I demand to recover the total amount listed above, plus interest and reimbursement for court costs.</p>		Principal Amount Owed	<b>\$ 2399.60</b>	Interest Owed (if any)	<b>\$ 0</b>	Total Amount Owed	<b>\$ 2399.60</b>	Description	Date From Which Interest Due	Interest Rate	<input type="checkbox"/> On An Account (attach a copy of the account)			<input type="checkbox"/> For Goods Sold And Delivered Between	Beginning Date	Ending Date	<input type="checkbox"/> For Money Lent	Date From Which Interest Due		<input type="checkbox"/> On a Promissory Note (attach copy)	Date Of Note	Date From Which Interest Due	<input type="checkbox"/> For a Worthless Check (attach a copy of the check)			<input type="checkbox"/> For conversion (describe property)			<input checked="" type="checkbox"/> Other: (specify) <b>I started to work for Evergreen Rehabilitation Center on 7-6-09 as an security officer at \$8:00 dollar per hours. on 8-13-09 I was promoted to the 3RD shift commander at \$9.55 per hour. I have contacted, Mr Blue, Z. Green + A. Green About my money, But they still have not payed me-</b>		
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Date <b>7-6-10</b>	Signature Of Plaintiff Or Attorney <b>William E McCormick</b>																																

## STATE OF NORTH CAROLINA

File No. 20CVN01546

Robeson  
Robeson CountyIn The General Court Of Justice  
District Court Division-Small Claims

## Plaintiff(s)

William E McCormick  
217 North Duffie Road  
Red Springs N.C. 28377

129  
115706

## VERSUS

## Defendant(s)

Zeddie Green  
1079 West Parkton  
Tobemory Road PKTN N.C.

## TO:

## Name And Address Of Defendant 1

Zeddie Green  
1079 West Parkton  
Tobemory Road PKTN N.C.

## Name And Address Of Defendant 2

## MAGISTRATE SUMMONS

 ALIAS AND PLURIES SUMMONS

G.S. 7A-217, -232; 1A-1, Rule 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

## TO:

## A Small Claim Action Has Been Commenced Against You!

You are notified to appear before the magistrate at the specified date, time and location of trial listed below. You will have the opportunity at the trial to defend yourself against the claim stated in the attached complaint.

You may file a written answer, making defense to the claim, in the office of the Clerk of Superior Court at any time before the time set for trial. Whether or not you file an answer, the plaintiff must prove the claim before the magistrate.

If you fail to appear and defend against the proof offered, the magistrate may enter a judgment against you.

Date of Trial 7-29-2010	Time Of Trial 9:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Court 4A Lumberton
Name And Address Of Plaintiff Or Plaintiff's Attorney	Date Issued 7-5-2010	Signature Dardo R. Sosa
		<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

## RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

## DEFENDANT 1

Date Served 7-8-10	Time Served 3:00	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Name Of Defendant Zeddie Green (Served in Person)
-----------------------	---------------------	--	--

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (If Corporation, Give Title Of Person Copy Left With)

BY - JES  
ROBESON COUNTY, C.S.C.  
2010 JUL-9 P 1:32  
**FILED**

- Other manner of service: (specify).

- Defendant WAS NOT served for the following reason:

## DEFENDANT 2

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
-------------	-------------	---	-------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copy Left (If Corporation, Give Title Of Person Copy Left With)

- Other manner of service: (specify).

- Defendant WAS NOT served for the following reason:

## FOR USE IN SUMMARY EJECTMENT CASES ONLY

- Service was made by mailing by first class mail a copy of the summons and complaint to the defendant(s) and by posting a copy of the summons and complaint at the following premises.

Date Served	Name(s) Of The Defendant(s) Served By Posting
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Address Of Premises Where Posted

Service Fee \$	Signature Of Deputy Sheriff Making Return Keatle McMillan
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Date Received 7-5-10	Name Of Sheriff (Type Or Print) Kenneth L. Seaby
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Date Of Return 7-9-10	County Of Sheriff Robeson
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STATE OF NORTH CAROLINA  
COUNTY OF ROBESON

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
(Small Claims)

File # \_\_\_\_\_ Thru \_\_\_\_\_  
Includes  Small Claims Actions.

William McComick

W/C

Zudie Green

PLAINTIFF'S COURT NOTIFICATION

TO THE PLAINTIFF NAMED ABOVE:

You are hereby notified that the above numbered cases have been scheduled for trial before the magistrate holding Small Claims Court on the date, time and location shown below. You will not receive any further notification unless the summons is returned "UNSERVED", in which case a notice of nonservice will be mailed to you. In case summons is returned "UNSERVED", your failure to have an alias summons issued will result in an "Order of Discontinuance" being placed in the file.

If the hearing date is changed, you will be notified by telephone or mail of the new hearing date.

Renae O. Hunt  
Clerk of Superior Court

Angel L. Lane  
Assistant/ Deputy Clerk of Superior

Court Date: 7-19-10

Time : 9:00 AM

Place : 2040 1/2 Hwy

COPY-MAILED-GIVEN- TO PLAINTIFF, DATE: 7-6-10

If you furnished us with duplicate list of the defendants, your copy is attached showing each individual file number beside the names.

When requesting a Writ of Possession/Execution or for information on a particular case if you provide us with the file number we will be able to assist you more efficiently and expediently.